

AGRICULTURE COMMITTEE

Fourth Report

FOOD SAFETY

Volume I

Report and Proceedings of the Committee

*Ordered by The House of Commons to be printed
22 April 1998*

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FOOD SAFETY

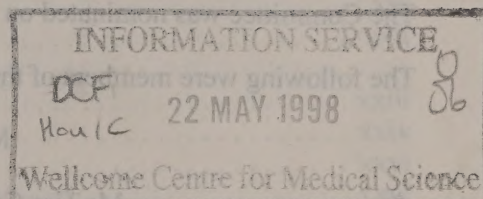
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The Agriculture Committee is appointed under Standing Order No 152 to examine the expenditure, administration and policy of the Ministry of Agriculture, Fisheries and Food and of associated public bodies.

The Committee consists of 11 Members. It has a quorum of three. Unless the House otherwise orders, all Members nominated to the Committee continue to be members of it for the remainder of the Parliament.

The Committee has power:

- (a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;
- (b) to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the Committee's order of reference;
- (c) to communicate to any other committee appointed under the same Standing Order (or to the Committee of Public Accounts, the Deregulation Committee and the Environmental Audit Committee) its evidence and any other documents relating to matters of common interest; and
- (d) to meet concurrently with any other such committee for the purposes of deliberating, taking evidence, or considering draft reports.

The Committee was nominated on 14 July 1997.

The following were members of the Committee during the inquiry:

Mr Peter Luff (Chairman)

Mr Tim Collins
Mr Andrew George
Mr John Hayes
Mr Alan Hurst
Ms Fiona Jones

Ms Sally Keeble
Mr Paul Marsden
Mr Austin Mitchell
Mrs Diana Organ
Mr Mark Todd

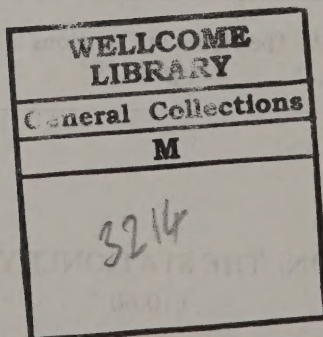


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FOURTH REPORT

The Agriculture Committee has agreed to the following Report:

FOOD SAFETY

I. INTRODUCTION

1. Everyone has a direct interest in the safety and quality of food. We are all consumers of food, and each one of us brings our concerns to bear on it, be they to do with price; nutritional quality; diet; and ethical and religious concerns about methods of food production. Food is a universal requirement. It should be nourishing and wholesome, and it is uniquely worrying when food is positively harmful. This anxiety is accentuated because, although no age group is exempt from the effect of unsafe food, young children and the elderly are most vulnerable to food poisoning. There are other complex concerns, such as the importation of food from ever further afield, the length of the distribution chain, the increased role of technology and processing, and the use of techniques of genetic modification in food production.

2. The political sensitivity of the food safety issue is illustrated in the continued ability of BSE to dominate the political and public agenda. During the course of our inquiry it was evident that there was polarisation between the views of some sections of the industry and some sections of public opinion in attitudes towards food safety and the lengths to which the Government, industry and public should go to protect the food chain. At one end of the spectrum, some witnesses pointed to the statistically small chances of an individual becoming seriously ill as a result of eating contaminated food as compared with many other risks accepted in public policy, and also pointed to the lack of proven causal links between some of the possible contaminants, for example pesticides, and illnesses. At the other end of the spectrum, other witnesses regarded the food chain as a public asset worthy of absolute protection, even if there was no proven causal link between potential contaminants, be they sewage sludge on agricultural land, pesticides or genetically-modified foodstuffs, and illness. The middle ground recognised both the validity of public concern and the need for a sound scientific base for food safety policy. Successive misjudgements of the scale of the food safety problem and the depth of public concern, most notably in the BSE disaster, have exacerbated the task now facing the Government's proposed Food Standards Agency.

3. In the last decade the safety of food has never been far from the forefront of political and public consciousness. Yet the combined efforts of central and local government, and all those involved throughout the food chain, have failed to reduce the incidence of food poisoning or to increase public confidence in the safety of food. Fresh legislative controls, primarily through the Food Safety Act 1990, and the promulgation of best food hygiene practice throughout the food production and processing industries, appear to have done little to stem the rise in notified food poisoning cases in England and Wales between 1987 and 1997, from 58.3 cases per 100,000 population to a provisional figure of 179.6 cases¹. The total rates of *Salmonella* food poisoning in humans have remained fairly stable since the late 1980s², but this conceals a worrying increase in outbreaks associated with strains of *Salmonella typhimurium* DT104 showing resistance to antibiotics³. At the same time, two other pathogenic micro-organisms are causing increasing numbers of food poisoning cases: *Campylobacter* and the rarer, but more serious verocytotoxin-producing *Escherichia coli* O157. Potentially most alarming of all is the probable link between bovine spongiform encephalopathy (BSE) and new variant Creutzfeldt-Jakob Disease (nv CJD). Against this background of major food safety problems are ranged a wide variety of other concerns about potential and actual risks. Some of these concerns, for example about levels of pesticides in food, are durable; others are more ephemeral, connected often with particular food products or substances contained in food. One of many examples would be the concerns over patulin in apple juice which arose in 1993.

¹ Ev p 102; Appendix 94

² Ev p 103; Appendix 94

³ Ev pp 107-8

4. The result has been a demand for a wholesale structural and cultural reform of Government food safety policy to improve the safety and quality of food and to re-establish public confidence in food, by the creation of a powerful new Government Agency to assume responsibility for all aspects of food safety and standards policy. Such an Agency, it is argued, provided it has an appropriate structure, powers and working methods, would transform the debate about food, by resolving many of the problems which have beset Government food policy in the past. In particular, it is claimed that an Agency would be able to overcome the main weaknesses which have characterised food policy:

- (i) division of responsibilities: responsibility for food safety and standards policy is split (or shared) between the Ministry of Agriculture, Fisheries and Food (MAFF) and the Department of Health (DoH). Important roles are played by the Government's expert advisory committees, the Public Health Laboratory Service, and three of MAFF's Executive Agencies, the Meat Hygiene Service, the Pesticides Safety Directorate and the Veterinary Medicines Directorate, as well as the territorial agriculture and health departments. Enforcement of most food hygiene legislation is carried out at local authority level. The Department of Environment, Transport and the Regions (DETR) and the Environment Agency (EA) also have significant responsibilities bearing upon the safety of food and water.
- (ii) conflict of interests: particularly in the case of MAFF, it has been alleged that Government food safety policy has been compromised by the Ministry's dual role as sponsor of food industries and guardian of food safety. Dr Erik Millstone of the Science Policy Research Unit at Sussex University, for example, argued that: "When those two policy objectives have come into conflict MAFF has repeatedly subordinated consumer protection to commercial and industrial sponsorship"⁴.
- (iii) lack of openness: there is a widespread perception that Government decision-making processes in relation to food safety have not been open and transparent in the past and that, whether for commercial or political reasons, the Government has failed to make clear to the public the true nature and extent of a variety of food safety problems over recent years.

5. Before the 1997 general election Rt Hon Tony Blair MP, then Leader of the Opposition, commissioned Professor Philip James, Director of the Rowett Research Institute, Aberdeen, to prepare a report setting out a blueprint for a Food Standards Agency. The establishment of an Agency was a Labour Party manifesto commitment, and, on taking office, the new Government published the James Report⁵ for consultation. Within MAFF a new Food Safety and Standards Group was established, bringing together disparate sections of the Ministry concerned with food safety issues. At the conclusion of the consultation on the James Report, MAFF declared that the responses indicated "widespread public support" for a Food Standards Agency⁶. The Government continued its preparations by establishing a Joint Food Safety and Standards Group, composed of MAFF and DoH officials, and drawing up a White Paper, eventually published on 14 January 1998⁷. A further round of consultation has taken place on the White Paper, and the Government intends to publish a draft bill for scrutiny during this parliamentary Session, with the bill itself to be introduced in the 1998-99 Session. MAFF has the lead responsibility for this process, in close consultation with the Department of Health and the interdepartmental Ministerial Group on Food Safety⁸.

6. In our own work on food safety in this inquiry, and in our plans for future work on the subject, we have been constantly mindful of the need to co-ordinate our own timetable with that of the Government, in order to be of the maximum possible assistance to the House in the period during which pre-legislative consultations on the proposed Food Standards Agency have been

⁴ Appendix 51

⁵ *Food Standards Agency: an interim proposal by Professor Philip James*, 30 April 1997

⁶ MAFF News Release 224/97, 30 July 1997

⁷ *The Food Standards Agency: a force for change*, Cm 3830, January 1998

⁸ *HC Deb*, 20 May 1997, col 34w

taking place. It is important to be clear about the approach we have adopted, so we wish to describe it in some detail.

7. We published our terms of reference on 30 July 1997, asking for evidence on:

- recent trends in the incidence of bacterial food poisoning in the UK, and the effectiveness of the system of notifying cases of food poisoning;
- significant gaps in current scientific understanding of, and statistical information on, food safety issues, and measures which could be taken to reduce these gaps;
- the level of food safety risk at all stages of the human food chain, including
 - on farm (agricultural practices, including use of feedingstuffs, agrochemicals and veterinary medicines)
 - in transit (the transportation of live animals, meat, animal products and other agricultural produce)
 - at slaughter (hygiene standards at abattoirs)
 - in the food processing industry
 - in the food retail sector
 - in the catering industry
 - in domestic households (including the adequacy of the provision of information to the general public on food safety matters through labelling and advice on the storage and preparation of food)

and the appropriateness of the methods and resources employed to minimize food safety risk at the various points of the food chain;

- any food safety implications of the presence of genetically-modified organisms in the human food chain, and the desirability and feasibility of labelling foodstuffs containing genetically-modified organisms⁹.

8. We would emphasize a number of points about our terms of reference, our subsequent conduct of the inquiry, and the scope and purpose of this Report:

- (a) our inquiry has been primarily into *food safety*, not into issues of *nutrition and health*. This does not reflect any underestimation, on our part, of the significance of nutrition for long-term health. Nor should it be taken to imply that we consider that nutritional policy and advice should be excluded from the FSA's remit. Our views on this issue are set out in paragraphs 87 to 89 of this Report. We have concentrated on food safety because the relationship between nutrition and health is a DoH, not a MAFF, responsibility, and therefore falls to the Health Committee to consider;
- (b) in relation to food safety, we have focused on the question of *microbiological hazards*. In our judgement, apart of course from BSE which is the subject of a separate judicial inquiry, this is the issue on which there is most public concern, and which is the main demonstrable cause of foodborne illnesses and, indeed, deaths. In practical terms, too, we have not had the time to examine the issues surrounding policy on the wide range of non-microbiological food safety hazards in great detail, although we give some consideration to pesticides and genetically-modified organisms in paragraphs 47 to 51

⁹ Agriculture Committee Press Notice No. 2, Session 1997-98, 30 July 1997

below. Those seeking further information on these and other hazards are referred to the written evidence which we have received;

- (c) in chronological terms, our oral evidence programme was divided into two sections, before and after the publication of the Government's White Paper. In the first part, we would loosely define the purpose of the sessions as to obtain information on the food safety problems which the FSA will have to address. During the second period, we have continued to gather such information, but we have also begun to identify the main questions which need to be examined and resolved in order to ensure that the FSA is as effective as possible. On publication of the White Paper, we wrote to all those who had already submitted written evidence to our inquiry, asking them if they wished to add to their comments in the light of the White Papers' proposals. We have been anxious at all times to avoid any possibility of duplicating the Government's own consultation on the White Paper. The two phases of evidence-gathering in this inquiry are reflected in the structure of this Report: in Section II we examine the underlying problems of food safety which the FSA will have to address, and in Section III we consider the Government's proposals for an Agency.

9. The purpose of this Report is to provide a bedrock of information for the House in its continuing scrutiny of the proposals to establish a Food Standards Agency, both in the pre-legislative stages and when the bill itself is before Parliament next Session. We hope to carry out "pre-legislative scrutiny" of the draft Food Standards Agency bill when it is published later this year, along the lines set out by the Select Committee on Modernisation of the House of Commons¹⁰. We will, however, undertake such pre-legislative scrutiny only if we are convinced that we have sufficient time to perform it effectively. **We would welcome any comments, from Members and others, as to how we might best undertake scrutiny of the draft Food Standards Agency bill.**

. There is broad support for the establishment of a Food Standards Agency, and we wish to see such an Agency working successfully and effectively. However, we would be doing a disservice to the House, to consumers and to the agricultural and food industries if we took it as axiomatic that the establishment of such an Agency would solve all existing food safety and standards problems. There are tenable arguments to the effect that many improvements could be made without radical transformation of the current system for handling food safety, although such an approach would not deal with the issues of public confidence. Similarly, the existence of an Agency will not magically resolve the complex scientific and political judgements which characterize food safety policy. Some would argue, returning to first principles, that the actual extent of food safety problems in the UK is much exaggerated, and that this results in a disproportionate allocation of resources to dealing with food safety. This is not a view we share, but we have not wished to get bogged down in the arguments in principle for and against an Agency, which will be considered by the House as a whole when the bill is introduced next Session.

11. The critical reaction from some quarters to decisions taken by the Government to protect public health shows that there is always a balance to be struck between the level of risk, public perception of that risk and the proportionality of action taken. **In our view, the main challenge which the FSA will face is in establishing its credibility with the public, as swiftly as possible. The Agency must not only make our food safer, but be seen to do so. It must also ensure the correct balance between advice and enforcement. This will require it to set clear priorities for its actions in its first years of existence. The onus on the Government will be to ensure that the FSA will be properly financed, well managed and effectively led.**

12. In our inquiry we received around 150 memoranda, and the majority of these are published in a separate volume to this Report, together with the transcripts of the ten oral evidence sessions which we held. During our inquiry we also made visits to the Meat Hygiene Service headquarters at York, a cattle abattoir near York, the Campden and Chorleywood Food Research

¹⁰ First Report from the Select Committee on Modernisation of the House of Commons, Session 1997-98, *The Legislative Process*, HC 190

Association at Chipping Campden, a broiler producer in Nottinghamshire and a Tesco's supermarket in Lincoln. Abroad, we held discussions with European Commission officials in Brussels and United States Department of Agriculture and Food and Drug Administration officials, consumer and industry representatives in Washington, and visited a poultry processing plant in Maryland and Zeneca's US operation in Delaware. We are most grateful to all those who assisted us informally and formally in the course of this inquiry.

13. Our two specialist advisers in this inquiry have been Dr Mike Stringer, Director of the Food Science Division at the Campden and Chorleywood Food Research Association, and Professor Ronald Walker, Professor of Food Science at the School of Biological Sciences, University of Surrey. The expertise of our advisers has been invaluable to us throughout this inquiry.

II. THE FOOD SAFETY PROBLEM

Introduction

14. In this section of our Report we examine the underlying issues relating to microbiological food safety which need to be addressed by the Government, both before and after the establishment of a Food Standards Agency. The proposals for an FSA itself, particularly in terms of its structure, accountability, guiding principles, functions, powers and resources, as set out in the Government's White Paper, are the subject of Section III of this Report. Overall judgements about the desirability of an Agency, and the form it should take, clearly hinge on the extent to which it will be able to achieve improvements in the safety and quality of the nation's food supply. Many of the recommendations contained in this section of our Report, therefore, point to particular policies or tasks which, while they need to be set in train now by the Government, will be of a high priority for the Agency when it is established. Likewise, many of the recommendations which we make in Section III of this Report, about the Agency's structure and functions, have to be seen in the context of the underlying food problems which the Agency must successfully resolve.

The incidence of food poisoning

15. The available statistical information about the incidence of food poisoning appears to be fairly comprehensive, but is widely acknowledged to be deficient in a number of respects, most notably in substantially understating the actual level of food poisoning in the UK. Because reported cases, which appear in the official statistics, are the tip of an iceberg of unknown size¹¹, it is only possible to guess at the true incidence of food poisoning. Dr Eileen Rubery, Head of the Department of Health's Health Aspects of Environment Division, said that "under-ascertainment" was "somewhere between ten and one hundred fold"¹². One consequence is that it is never possible to be sure that trends in reported illness mirror trends in actual illness, or whether they simply reflect such factors as changes in propensity to notify cases and investigate outbreaks of illness. While some would argue that increases in reported cases are largely a result of greater public awareness of food poisoning¹³, in the absence of clear evidence it is probably most prudent to assume that the trend in actual food poisoning cases is rising roughly in line with reported cases.

16. A substantial amount of statistical information on food poisoning cases and levels of microbiological contamination of food is contained in the written evidence which we received from the Government and from the PHLS¹⁴. Much information is also contained in the October 1997 report by the Parliamentary Office of Science and Technology (POST) on *Safer Eating*:

¹¹ *Safer Eating: Microbiological Food Poisoning and its Prevention*, Parliamentary Office of Science and Technology, October 1997, p 23

¹² Q 21

¹³ cf Q 1263

¹⁴ See especially Ev pp 1–26, 78–127. Appendices 90, 94

Microbiological Food Poisoning and its Prevention. We recommend these sources for Members and others wishing to inform themselves in detail of the underlying trends in food poisoning in the UK. For the purposes of this Report, we draw attention to those issues which appear to us to be of most significance and concern.

. The most recent figures for food poisoning notifications, for 1997, show a continuation of the overall increase which has been observed since the 1980s. In England and Wales provisional figures for 1997 show a rate of 179.6 per 100,000 population, up from 160 in 1996 and from 58.3 ten years previously, in 1987¹⁵. There has been a slight, though probably not statistically significant, decrease in notifications in Scotland, from 199.6 per 100,000 population in 1996 to 198.6 in 1997, and a small rise in Northern Ireland, from 87.5 in 1996 to 91.8 in 1997¹⁶. For the first time, in 1997, there were more than 100,000 food poisoning notifications in the UK. The PHLS informed us that each year hundreds of people in the UK are hospitalized with food poisoning and “between 100 and 200 may die”¹⁷.

18. There has been some speculation about the reasons for the apparent divergences in rates of food poisoning between different parts of the UK, and in particular the relatively high rate in Scotland (most marked in terms of *E.coli* O157 food poisoning) and the relatively low rate in Northern Ireland. Some witnesses offered hunches. Mr Richard Carden, Head of MAFF’s Food Safety and Environment Directorate, said that “it may have something to do with lifestyle and the amount of eating out and the things that people eat”¹⁸. Professor Hugh Pennington, on the other hand, felt that, in relation to Scottish levels of *E.coli* O157 it was worth looking at the hypothesis that there might be higher levels of carriage of the pathogen in cattle in Scotland¹⁹. He also pointed out that there were unexplained regional variations in *E.coli* O157 incidence within Scotland itself²⁰. The Government’s existing research programme into pathogenic micro-organisms does not appear capable of providing much illumination on this subject²¹. We recognize that there may be a mixture of factors at play: agricultural and food industry practices, social and cultural norms about diet and food preparation, and, possibly, differential reporting and investigation rates for foodborne illnesses. Nevertheless, the trends are well-established and pronounced, and it cannot be the case that Northern Ireland is simply more fortunate, and Scotland less fortunate, than England and Wales. **We recommend that the Government explore means of devising research projects to provide a fuller understanding of the different rates of food poisoning in the constituent parts of the UK. The absence of clear conclusions on these discrepancies is inexcusable, and must be remedied if the Agency’s work is to be underpinned by a real understanding of the incidence and causes of food poisoning in the UK.**

19. Before food poisoning cases can enter the national notification statistics, they must surmount a number of hurdles, and at each hurdle an unknown number of cases falls by the wayside. First, many people, probably the large majority, do not visit their doctors, usually because their symptoms are mild or pass quickly. Secondly, though doctors throughout the UK are statutorily required to notify cases of food poisoning (in England and Wales, to the local authority; in Scotland to the area Health Board; and in Northern Ireland, to the local Health and Social Services Board²²), it is thought that there is a substantial degree of under-reporting by doctors²³. The best estimate of the extent of under-reporting is provided by data from the GP Sentinel Practice Scheme, which records the number of GP consultations for infectious intestinal disease (IID). In 1997 there was a mean annual incidence for such consultations of 2,420 per 100,000 population, twenty-four times the figure for formal food poisoning notification by doctors and thirteen times the total number of notifications (which include cases ascertained by

¹⁵ Appendix 90

¹⁶ *ibid*

¹⁷ Ev p 81

¹⁸ Q 12

¹⁹ Q 1402

²⁰ Q 1403

²¹ Q 13

²² Ev pp 7–8

²³ Ev p 9

other means than through GP notification)²⁴. Though the ratio of consultations to notifications has decreased substantially over the last ten years, indicating that GPs are probably more likely now to notify cases, a wide margin of under-notification is still apparent. This hampers efforts to understand the extent of the problem of foodborne illness in society. Dr Rubery told us that the Government had “actually taken quite a number of steps like writing to GPs or encouraging GPs to notify more frequently”²⁵. **Under-notification by GPs is only one part of the wider jigsaw of under-ascertainment of infectious intestinal disease in the UK, but it is an important part, and the Government must both ensure that GPs are advised of developments in foodborne illnesses and their symptoms, and continue to press GPs to meet their responsibilities in respect of notification. This task will be a crucial one if the Agency’s work is to be informed by accurate statistical information and not just by hunches and guesswork.**

20. Complementary to the GP notification system is the voluntary laboratory reporting system, under which laboratories throughout the UK report faecal isolates of pathogenic organisms, following analysis of specimens referred by doctors, to their respective surveillance centres (in England and Wales, to the PHLS’s Communicable Disease Surveillance Centre (CDSC); in Scotland, to the Scottish Centre for Infection and Environmental Health (SCIEH); in Northern Ireland, to the Department of Health and Social Services)²⁶. Drawing attention to the variability in reporting levels, the Government also pointed out that laboratory-confirmed infections gave a “significant underestimate of the true incidence of foodborne infections since not all cases seek medical attention and only a proportion of these have a specimen submitted for analysis”²⁷. The PHLS was critical of the laboratory reporting system’s lack of coherence and consistency, claiming that “laboratories in different regions vary greatly in their reporting efficiency with a concentration of poorly reporting laboratories in certain regions”²⁸. **Professor Brian Duerden, Deputy Director of the PHLS, argued that “laboratory notifications should become a statutory responsibility”²⁹. We agree. Such measures are essential in improving public health and food safety policy.**

21. In addition to formal notifications and laboratory confirmations, local authorities ascertain cases by other means, from outbreaks in the community, for example, or as a result of direct contacts from members of the public or owners of food businesses. For general outbreaks, defined as “an outbreak affecting members of more than one private residence or residents of an institution”³⁰, the CDSC has developed a surveillance scheme in England and Wales which involves the dispatch of a questionnaire to the local authority for completion and return on the conclusion of the investigation of the outbreak³¹. Implication of foodstuffs in such outbreaks may be based upon microbiological analysis, statistical probability or more circumstantial evidence. The PHLS pointed out that because of the voluntary nature of the surveillance scheme, there was significant variability between local authorities both in the rigour with which outbreaks were investigated and in reporting levels³². In concert with the SCIEH, the CDSC is undertaking a Department of Health-funded project to seek to improve consistency and comparability of approach between local authorities in investigating outbreaks³³.

22. The Government informed us that much valuable information about the level and causes of food poisoning in England would result from its study of infectious intestinal disease, which was set up in 1993³⁴. Giving evidence to us on 11 November, Dr Rubery expressed the hope that the IID study would shortly be available³⁵ and that it would provide “really useful definitive

²⁴ Appendix 90

²⁵ Q 31

²⁶ Ev pp 7–9

²⁷ Ev p 9

²⁸ Ev p 99

²⁹ Q 163

³⁰ Ev p 99

³¹ Ev pp 99–100

³² Ev p 100

³³ Ev pp 100–1

³⁴ Ev p 9

³⁵ Q 14

data”³⁶. Towards the end of our inquiry we asked for an update of progress in completing this study, and the Government said that “detailed analysis and careful interpretation” was still required before publication, although it was confident that it would be able to publish a report on the findings “later this year”³⁷. The Government confirmed the point, set out in its original memorandum, that the findings of the study supported the view that the current reporting system “significantly underestimates the true magnitude of infectious intestinal disease” in England³⁸. **The publication of this report should be extremely important in understanding the true prevalence of food poisoning in the UK.**

23. It is relatively easy to diagnose weaknesses in the UK’s notification and reporting systems in relation to foodborne illness, but important to recognize that it will never be possible to establish a fully comprehensive and accurate picture, given the nature of the problem. Even for the minority of cases which present to a GP, it is rarely possible to link illness to a particular foodstuff. This is especially so as the great majority of food poisoning cases are sporadic, rather than part of a general outbreak. Moreover, an unknown proportion of infectious intestinal disease is not associated with food. We also have no reason to dispute the Government’s contention that “by international standards the UK has one of the better systems” for reporting food poisoning cases³⁹.

24. With such imprecise data, it is difficult to arrive at an assessment of the overall costs to society of such foodborne illness. The IID study referred to above (see paragraph 21) is intended to provide updated information on this subject⁴⁰. Until then, the best available study, based upon data collected in 1988-89 and expressed in terms of 1992 prices, estimates that costs to the public sector were approximately £70 million a year. This figure, which Dr Rubery advised us had to be “treated with considerable caution”, omits estimates of costs to industry and the family. The Chartered Institute of Environmental Health cited a number of rather higher figures, up to between £0.5 billion and £1 billion a year at 1988 prices⁴¹. Purely for indicative purposes, we sought from the Government details of the cost of smoking-related illnesses and road accidents: the former are estimated to cost the NHS in England between £1,400 million and £1,700 million a year, and the latter £490 million a year in casualty-related medical and ambulance costs. It is important to have some idea of the economic costs to society of food-related illness, both in absolute terms and in relation to other public health risks, to inform the allocation of resources to deal with the problem. Major food safety issues such as the BSE epidemic may also impose huge costs on the economy in an attempt to prevent widespread illness and deaths. At the same time, the consumption of food is a biological necessity, and not directly comparable with smoking or driving. As Dr Rubery said, public concern and public perception, as well as the effectiveness of action which can be taken, are also very important factors in determining policy⁴². We also take to heart the comments of Professor Philip James that “there is ten times more ill health... which comes from the inappropriate nutritional quality of the diet compared even with infection”⁴³.

Microbiological hazards

25. Three bacterial micro-organisms, each with numerous sub-types, have managed to insinuate themselves tenaciously into the complex and lengthy UK food chain and are responsible for the majority of food poisoning cases: *Salmonella* (especially *S. enteritidis* and *S. typhimurium*); *Campylobacter* (especially *C. jejuni*); and verocytotoxin-producing *Escherichia coli* (VTEC) (especially *E. coli* O157:H7). *Campylobacter* comes ahead of *Salmonella* as the most common identified cause of human food poisoning⁴⁴; *E. coli* O157, though much less

³⁶ Q 20

³⁷ Appendix 90

³⁸ Ev p 10; Appendix 90

³⁹ Ev p 18

⁴⁰ Qq 14, 20

⁴¹ Ev p 211

⁴² Qq 17-19

⁴³ Q 1359

⁴⁴ Ev pp 102-3

frequent than its two rivals, more than compensates by its greater virulence, which leads to a higher proportion of deaths and long-term illnesses, especially haemolytic uraemic syndrome (HUS). The PHLS said that “patients with O157 VTEC infection are 20 times as likely to be admitted to hospital than those with other IID, the case fatality rate for O157 VTEC infection is 37 times that for other IIDs”⁴⁵.

26. A number of other pathogenic bacteria lurk in the background of the epidemiological picture. Human listeriosis, caused by the bacterium *Listeria monocytogenes*, associated mainly with soft cheeses and pâtés, and especially dangerous for the fetuses of pregnant women, peaked in the late 1980s, with 278 cases in 1988. Following withdrawal of contaminated imported pâté and the issuing of health warnings to vulnerable groups by the Chief Medical Officer the number of cases of listeriosis has fallen back to relatively low levels⁴⁶. Foodborne botulism, caused by *Clostridium botulinum*, is thankfully rare in the UK: the last outbreak took place in 1989, with one death amongst 27 cases⁴⁷. There are increasing reports, though still at a relatively low level, of viral foodborne infections. Indeed, small round structured viruses (SRSVs), mainly associated with shellfish, were the most common cause of food poisoning outbreaks in 1996, although the total number of cases of SRSV infectious intestinal diseases (IIDs) remains small⁴⁸. Protozoan parasites such as *Cryptosporidium parvum* have recently been associated with outbreaks of foodborne illness⁴⁹.

27. In respect of *Salmonella*, particularly, but also, increasingly, *Campylobacter*, and *E.coli* O157, knowledge is being built up about the various characteristics of the bacteria which could be of assistance to control and eradication strategies throughout the food chain. Expert committees, notably the Advisory Committee on the Microbiological Safety of Food (ACMSF) and the Pennington Group, have produced a corpus of informed advice and recommendations for the food industry and the Government. The legislative foundations for effective control of food safety exist in the Food Safety Act 1990 and in the horizontal and vertical European Union food hygiene Directives⁵⁰. And some inroads are being made: incidents of *Salmonella* in broiler breeder flocks and layer breeder flocks have declined since the early 1990s, as has the prevalence of *Salmonella* in raw retail chicken⁵¹. Dr Bernard Rowe, Director of the PHLS's Laboratory for Enteric Pathogens, argued that levels of food poisoning due to *Campylobacter* and *Salmonella* had remained reasonably steady between 1994 and 1996, with much of the rise in 1997 attributable to the warm weather in that year⁵². Marks and Spencer plc told us that, working together with their poultry supply chain, the level of *Salmonella* in their chickens had been reduced from over 40 per cent in 1995 to less than 10 per cent⁵³, and Safeway said that the average incidence of *Salmonella* in their poultry was 13 per cent⁵⁴.

28. Despite these encouraging developments, there is a long way to go before the British poultry supply chain can emulate its Norwegian and Swedish counterparts in virtually eliminating *Salmonella*. As Professor James pointed out, Sweden took “about 20 or 30 years” to cope with the *Salmonella* problem⁵⁵. In respect of *Campylobacter* and *E.coli* O157, where the state of scientific knowledge is much more hazy, progress may well be more difficult, in the short term at least. Nevertheless, **UK food safety policy must aim, as far as is reasonably achievable, at the elimination of these pathogenic bacteria from the food supply chain.**

29. To a large extent, the observance of hygienic practices throughout the food chain provides common defences against all species of zoonotic organisms. However, measures taken to control one particular species may be unnecessary (or even useless) for another one. On our visit

⁴⁵ Ev p 111

⁴⁶ Ev pp 15, 112-3

⁴⁷ Ev p 16

⁴⁸ Ev p 17

⁴⁹ Ev p 79

⁵⁰ Ev pp 20-1

⁵¹ Ev pp 25-6

⁵² Q 125

⁵³ Q 413

⁵⁴ Ev p 206

⁵⁵ Q 1332

to a broiler producer near Newark we were told that success in reducing *Salmonella* levels had not been carried over to reduction in *Campylobacter* infection. For this reason, it is essential to understand as much as possible about each of the major pathogenic bacteria, to enable effective control measures to be devised and implemented. We summarize below the differences between the three main foodborne pathogens, as they are currently understood, indicating their implications for food safety policy.

Reservoirs of infection

30. In terms of foodstuffs, *Salmonella* is principally associated with poultry and eggs: *S. enteritidis* PT4, in particular, is invasive in chickens, and eggs and egg dishes and poultry are at the top of the list of suspected food vehicles in *S. enteritidis* PT4 outbreaks⁵⁶. Reported incidents of *S. typhimurium* in cattle, sheep and pigs rose between 1990 and 1995, but have fallen substantially in the last 2 years⁵⁷. One source of infection for *Salmonella* is animal feedingstuffs: the overall incidence of contamination is under 5 per cent, and, according to the Government, *S. enteritidis* and *S. typhimurium*, the two types most implicated in human foodborne illness, are “rarely isolated from animal feedingstuffs”⁵⁸. *Salmonella* can also be transmitted vertically from parent bird to offspring. *Campylobacter* is also particularly associated with poultry: approximately 75 per cent of raw chicken carcasses in England and Wales are *Campylobacter*-positive (compared to 30 per cent contaminated with *Salmonellas*)⁵⁹. Unlike *Salmonella*, *Campylobacter* is not vertically transmitted in flocks; nor can it survive well on dry surfaces or in feedingstuffs⁶⁰. It is, however, ubiquitous in the environment, and the Government claimed that “control of infection in extensively produced livestock is currently not a possibility”⁶¹. Once established in a poultry flock, *Campylobacter* spreads extremely rapidly⁶². *E. coli* O157 has been shown to infect a wide range of farm livestock species, including cattle, sheep, goats, horses and pigs. The methods of infection are not well understood, and nor is the correlation between the presence of the bacteria in the animal’s gut and the shedding of it in faeces. The Government said that, with the current state of knowledge, there was “little scope for controlling the spread of infection or of eradicating infection”⁶³.

Disease in animals and humans

31. Although some *Salmonella* and *Campylobacter* serotypes cause illness in farm livestock, the majority do not, and animals and birds carrying the bacteria remain healthy⁶⁴. *E. coli* O157 does not cause illness in livestock, and Professor Pennington told us that, in the past at least, this had caused problems in obtaining funding for research into the micro-organism, with neither agriculture nor health officials seeing it as their responsibility⁶⁵. In humans, the dose of organisms able to cause disease ranges from as low as 40 in the case of *E. coli* O157, to 500 in the case of *Campylobacter* and between 100,000 and 10 million for *Salmonella*⁶⁶. In humans, most types of bacterium colonise the gastro-intestinal tract to cause, either by the production of toxins or by direct infection, the classic food poisoning symptoms of diarrhoea, vomiting, abdominal pain and fever⁶⁷.

⁵⁶ Ev pp 97, 107

⁵⁷ Ev p 26; Appendix 90

⁵⁸ Ev pp 26-7

⁵⁹ Ev p 121

⁶⁰ Ev p 115

⁶¹ Ev p 27

⁶² Ev p 115

⁶³ Ev p 27

⁶⁴ Ev p 27

⁶⁵ Qq 1433; 1439

⁶⁶ Ev p 82; Q 1441

⁶⁷ *Safer Eating: Microbiological Food Poisoning and its Prevention*, POST, pp 3-4

Effects of temperature, humidity, moisture

32. Bacteria have different levels of tolerance to environmental factors such as temperature, acidity and the degree of moisture present, with consequences for the effectiveness of measures to control them. Moreover PHLS work has shown that bacteria can modify themselves to become more virulent and tolerant of certain environmental factors, including those commonly encountered in food production processes. For example, the majority of wild type isolates of *S. enteritidis* PT4 and *S. typhimurium* DT104 show, according to the PHLS, “enhanced heat-, acid- and peroxide-tolerance, survive well in aerosols and on surfaces, and are more virulent in mice and more invasive in the reproductive tissues of laying hens”⁶⁸. *S. enteritidis* PT4 is able to modify itself to protect against the slight acidity of raw egg mayonnaise (and hence against the acidity in the human stomach)⁶⁹. There is some evidence that bacteria can adapt to withstand the effects of low and high temperatures, with implications for the effectiveness of domestic and chill-chain refrigeration and cooking practices for the control and elimination of bacteria⁷⁰.

Scientific knowledge

33. Scientific knowledge about *Salmonella*, its behavioural characteristics and its modes of transmission, is quite extensive, based upon the well-established typing (or “fingerprinting”) methodology of the Laboratory of Enteric Pathogens⁷¹. Although some progress has been made with typing *E. coli* O157 strains⁷², progress with *Campylobacter* typing has been slower, partly because, with such a high proportion of *Campylobacter* food poisoning cases being sporadic, it has been far harder than in the case of *Salmonella* to do the epidemiological work to link strains found in humans with those found in animals⁷³. Professor Pennington concluded from this that “*Salmonella* will be a much easier task to sort out than *Campylobacter* and *E. coli*... With... *Campylobacter* and *E. coli*, we are in a much more difficult position in terms of reducing the food poisoning figures.... because we really still do not know enough about those bugs to have good focused control measures in there”⁷⁴.

. The distinctive problems posed by *Salmonella*, *Campylobacter* and *E. coli* O157 lead us to the conclusion that the extension of the HACCP principle throughout the food chain (see paragraphs 56-59), welcome and valuable though it is, needs to be set in the context of specific strategies for controlling, reducing and eradicating particular micro-organisms from food. Such strategies will need to take into account levels of risk at all stages of the food-chain, adopting an holistic, panoramic view of the issues involved, the types of produce and the processing and handling methods used from plough to plate. **We would propose that the Government, through the Food Standards Agency when it is established, should effectively apply the HACCP principle to the food-chain in its entirety, identifying the most appropriate points of intervention and control in the context of the methods of production and the characteristics of particular dangerous pathogens. The resources which the Agency allocates in this area should be distributed on the basis of that analysis.** One example of the type of approach we have in mind would be the argument put forward by the PHLS that, in poultry production, intervention is more effective at the farm level than during slaughter and processing, whereas in red meat production the slaughterhouse, rather than the farm, should be the principal point of control for foodborne pathogens⁷⁵.

35. Virtually all the elements which need to be brought together into effective anti-microbial strategies have been enunciated by the Advisory Committee on the Microbiological Safety of Food in a succession of reports, and we would not wish to elevate our judgement above theirs. Here we simply highlight what seem to us to be the most urgent issues and objectives in relation

⁶⁸ Ev p 85

⁶⁹ Ev p 87

⁷⁰ Ev pp 126-7

⁷¹ Ev p 89

⁷² Ev p 90

⁷³ Q 1411

⁷⁴ Q 1453

⁷⁵ Ev p 128

to *Salmonella*, *Campylobacter* and *E.coli* O157. All these strategies need to be underpinned by focused research programmes.

Salmonella

- (i) *poultrymeat production*: the aim should be eradication of *Salmonella* in broiler breeder flocks in the short term, combined with continuing pressure to reduce *Salmonella* contamination of raw chickens to below the ACMSF's target figure of 10 per cent and, eventually, to eliminate it altogether;
- (ii) *feedingstuffs*: the PHLS doubted whether it would ever be possible to eliminate *Salmonella* entirely from feedingstuffs, given the possibility of contamination of farms⁷⁶, but Professor Georgala, Chairman of the ACMSF, cited the success of Sweden in support of the argument that "it should be made possible"⁷⁷ to make feed free of *Salmonella*. **The Government has proposed the establishment of an Advisory Committee on Animal Feedingstuffs to support the work of the Food Standards Agency. We warmly welcome this decision, which should provide the necessary impetus to achieve wholly *Salmonella*-free feed in the future;**
- (iii) *eggs*: progress in reducing *Salmonella* contamination in eggs has been disappointing. About 1 in 600 eggs on retail sale were shown to be contaminated, either inside the egg or on the shell, in a 1995-96 survey, the same level as in 1991⁷⁸. Mr Richard Carden of MAFF described this lack of progress as "rather curious", and drew the conclusion that closer attention needed to be paid to eggs than to chickens"⁷⁹. The ACMSF has itself expressed concern and established an *ad hoc* Working Group to examine the implications of the survey's findings⁸⁰.

Campylobacter

- (iv) *research and typing*: much greater information is required, through research, surveillance and serotyping, on the characteristics of *Campylobacter*: this was the main thrust of the ACMSF's 1993 Interim Report on *Campylobacter*⁸¹. Since that time the LEP has established a comprehensive *Campylobacter* reference service at Colindale for two NHS regions in England⁸², with an emergency service on demand for the rest of England and Wales⁸³. This is still not a fully national service, and Professor Georgala expressed concern about this, although he conceded that typing of *Campylobacter* was a very difficult matter⁸⁴. He also expressed concern about the possible separation between veterinary and public health work on *Campylobacter*⁸⁵: this is particularly worrying as the most urgent answer which needs to be found concerns the relationship between serotypes found in animals and those found in humans⁸⁶. The swift establishment of a fully national *Campylobacter* typing service is a pre-requisite for the formulation of a coherent strategy to minimize the prevalence of the organism in the food chain.

E.coli O157

- (v) *research*: as with *Campylobacter*, *E.coli* O157 (together with other verocytotoxin-producing *E.coli*) is a priority area for research to improve understanding of its

⁷⁶ Qq 188-190

⁷⁷ Q 259

⁷⁸ Ev p 26

⁷⁹ Q 45

⁸⁰ *Annual Report of the ACMSF for 1997*, Department of Health, March 1998

⁸¹ Ev p 147

⁸² Ev p 7

⁸³ Q 198

⁸⁴ Qq 245-6

⁸⁵ Q 246

⁸⁶ Ev p 408

epidemiology in farm livestock and its transmissibility and effects on humans. We support the call of the ACMSF's *ad hoc* Working Group set up to consider the implications of the Pennington Group report that research should be carried out throughout the UK, and not just in Scotland, into the carriage and prevalence of *E.coli* O157 in cattle⁸⁷. This work needs to inform policy on hygienic practices in slaughterhouses, specifically in reduction of faecal contamination of carcasses. Work also needs to be done to increase understanding of transmission of *E.coli* to humans via a wide range of foodstuffs⁸⁸.

- (vi) *cross-contamination*: cross-contamination between raw and cooked meat products has been identified as a significant cause of foodborne *E.coli* O157 infection. For this reason the Pennington Group recommended the compulsory separation of raw and cooked meats in butchers and other premises under a licensing system⁸⁹. Professor Pennington told us that he was broadly content with the way in which these and other recommendations were being taken forward⁹⁰. We concur with the conclusions of the ACMSF's *ad hoc* Working Group that "the implementation of HACCP should be accelerated in high risk premises" and that an Industry Guide to Good Hygiene Practice should be developed for butchers and producers and retailers of cooked meats and cooked meat products⁹¹.
- (vii) the rise in the numbers of foodborne *E.coli* infections in humans urgently needs to be halted and reversed.

In its response to this Report, the Government should address the problem of formulating strategies against specific bacteriological hazards, as well as the detailed elements of those strategies which we have proposed.

36. The development of effective strategies against pathogenic micro-organisms in the food supply will naturally be far more detailed than the list of central concerns which we have given. As well as being informed by focused research programmes, these strategies will need to include comprehensive and well-structured surveillance schemes to record and monitor the microbiological status of foods on retail sale. Some informative data has been compiled over recent years by the PHLS, some under the EC Co-ordinated Food Control Programme and some in association with the Local Authorities Co-ordinating Body for Food and Trading Standards (LACOTS)⁹². Apart from repeated large-scale surveys of chickens and eggs, however, national food surveillance appears to be conducted in a relatively unscientific manner, often in the form of one-off exercises in response to particular concerns⁹³. The PHLS also informed us that there were technical problems involved in the isolation of micro-organisms from foodstuffs, with the practical effect that "some previous surveys may have underestimated the prevalence of contaminated products"⁹⁴. **The establishment of a rigorous, scientific and statistically reliable national food surveillance system will be an essential component of an effective food safety policy in the future. Ideally these surveys should discriminate between foods produced according to different methods (one example amongst many would be battery and free-range eggs⁹⁵) to provide information which can be used to better effect in influencing policy further down the food chain: they should also discriminate between UK-produced and imported foodstuffs. The results of such surveys must be published regularly.**

⁸⁷ ACMSF Annual Report 1997, p 44

⁸⁸ Ev p 410

⁸⁹ The Pennington Group Report on the circumstances leading to the 1996 outbreak of infection with *E.coli* O157 in central Scotland, the implications for food safety and the lessons to be learned, TSO, Edinburgh, April 1997, pp 26-27

⁹⁰ Q 1396

⁹¹ ACMSF Annual Report for 1997, p 44

⁹² *ibid*; Qq 179-180

⁹³ *ibid*; Qq 179-180

⁹⁴ Ev p 129

⁹⁵ Q 200

Emergent threats

37. In their formulation of food safety policy the Government and the Food Standards Agency will need to retain the flexibility to respond to emergent microbiological hazards whether in the form of modified strains of existing bacteria, new micro-organisms, or changing associations of bacteria with particular foodstuffs. We have already referred (see paragraph 32) to the capacity of micro-organisms to adapt and evolve in response to environmental conditions. As Professor Humphrey of the PHLS put it: "They do evolve remarkably quickly. They have a lifecycle of 20 minutes and any change in any practice will ultimately result in a change in the bacteria associated with that practice"⁹⁶. Control methods must remain robust enough to resist challenge from the most virulent and tolerant types of bacteria of all species. **No one can predict when or if new micro-organisms, or new virulent strains of known bacteria, will emerge. A major food poisoning incident, resulting from such an emergent threat, in the early years of the Agency's existence could hardly be blamed on the Agency.**

Antibiotic resistance

38. One example of bacteriological modification which has caused considerable concern in recent years is the development of resistance to antibiotics widely used in modern farming. As well as for therapeutic purposes, antimicrobials are used for prophylaxis, as feed additives, and as growth promoters⁹⁷. Resistance in micro-organisms to antibiotics may, when humans are infected, render analogous medicinal antibiotics ineffective in combatting illness. Ninety-six per cent of *Salmonella typhimurium* DT104 isolated from humans are now resistant to more than one antibiotic, with most strains being resistant to at least 5⁹⁸. The PHLS, citing the December 1996 outbreak involving a ciprofloxacin-resistant strain of *S. typhimurium* DT104, predicted that this could be the first of many such outbreaks given the widespread use of the related fluoroquinolone antibiotic eurofloxacin in turkey flocks⁹⁹.

39. Many organisations have conducted research on the question of antibiotic-resistant micro-organisms. The Soil Association submitted evidence to us, drawn from a report to be published this spring on antibiotic use in agriculture, calling for an end to the use of antibiotics as growth promoters¹⁰⁰. The NFU is also carrying out a major study, and Mr Ian Gardiner, their Director of Policy, claimed that "initial soundings seem to indicate that the dangers from using antibiotics specifically in the animal population may be rather less than some people fear"¹⁰¹. Lax use of antibiotics in human medicine was alleged by Professor Pennington to have contributed to the growth in resistance amongst micro-organisms, although he also identified agricultural practices as problematic, and saw the whole issue as one of "very high priority"¹⁰².

40. The Advisory Committee on the Microbiological Safety of Food has established a Working Group on Microbial Antibiotic Resistance which expects to complete its report in the first half of this year¹⁰³. **We consider the evidence of transfer of antibiotic-resistant micro-organisms from animals to humans through food to be approaching conclusiveness, and with the consequences of this potentially so serious, we favour a ban on the use of antibiotics in farming as growth promoters, and tighter restrictions on their use for subtherapeutic or prophylactic purposes. Every effort should be made to develop vaccines as alternatives to antibiotics for therapeutic purposes.**

⁹⁶ Q 146

⁹⁷ Ev p 27

⁹⁸ Ev p 108

⁹⁹ Ev p 111

¹⁰⁰ C136

¹⁰¹ Q 664

¹⁰² Q 1458

¹⁰³ ACMSF Annual Report for 1997, p 16

Viruses

41. Knowledge of the risks posed by *Campylobacter* and *E.coli* O157 may be patchy, but it is encyclopaedic in comparison with understanding of foodborne viral infections, another subject being considered by an ACMSF Working Group, expected to report shortly¹⁰⁴. Professor Pennington said that “The viruses are a bit of a black box at the moment. We know they are out there and we know that they cause problems, we know that they are under-diagnosed and we know that our control methods are primitive in the extreme”¹⁰⁵. Small round structured viruses are the most common cause of outbreaks of foodborne illness, though the numbers affected in each outbreak are low, as is the total number of cases caused by such viruses¹⁰⁶. The PHLS explained that advances in molecular techniques would allow higher levels of detection of viruses in specimens, and that methods to detect and isolate viruses in shellfish required further development¹⁰⁷.

Contamination of fruit and vegetables

42. For meat, and for animal products such as eggs, the last line of defence against bacterial pathogens is thorough cooking. Increasing reports of illness caused by microbiological contamination of fruit and vegetables, many from abroad, are therefore alarming because these foods are often eaten raw. One particularly serious outbreak in Japan in 1996, which affected over 9,000 people and caused 11 deaths, was associated with *E.coli* O157 in radish sprouts. Subsequent research in Japan has shown that *E.coli* O157 bacteria can survive inside the tissue of radish plants grown from contaminated seeds. In such circumstances, it would be impossible to eliminate infection by washing¹⁰⁸. Most experts link cases of contaminated fruit and vegetables with polluted irrigation water (abroad) and with the disposal of animal waste and sewage sludge on agricultural land, with any contamination of soil being subsequently transferred to crops. The Food and Drink Federation and the Chilled Food Association both drew attention to the threat to food safety from waterborne protozoa such as *Cryptosporidium*, especially in relation to fruit and vegetables eaten raw¹⁰⁹; provisional figures for 1997 show an increase of 18 per cent over the previous year in the number of gastrointestinal infections in England and Wales attributable to *Cryptosporidium*¹¹⁰. In the UK, *E.coli* and *Salmonella* in vegetables have caused some food poisoning incidents, though to nothing like the extent of meat and animal products. The ACMSF has established an *ad hoc* Group to examine the issues surrounding the agricultural disposal of sewage sludge, and Professor Georgala spoke of “evidence from different countries... of a growing capacity of fruit and vegetables to act as a vehicle for contamination”¹¹¹. The Environment Sub-Committee of the Environment, Transport and Regional Affairs Committee has recently inquired into the subject of disposal of sewage sludge on agricultural land, in the context of the potential increase in such disposal resulting from the EU’s Urban Waste Water Treatment Directive requirement that all disposal at sea should end by the end of this year, and registered a number of concerns¹¹². Safeguards exist under the Sludge (Use in Agriculture) Regulations and their associated Code of Practice. **We see no proof yet of problems in respect of food safety, but the practices of disposal of sewage sludge and other organic waste on to agricultural land must be kept under close and continuous review in the light of the ACMSF’s eventual findings.**

¹⁰⁴ *ibid* pp 14-15

¹⁰⁵ Q 1457

¹⁰⁶ Ev p 114

¹⁰⁷ Ev p 131

¹⁰⁸ *New Scientist*, 21 March 1998, p 13

¹⁰⁹ Ev pp 362, 375; Qq 1193-7

¹¹⁰ Appendix 94

¹¹¹ Q 267

¹¹² Second Report from the Environment, Transport and Regional Affairs Committee, *Sewage Treatment and Disposal*, HC 226-I, 1997-98, paras 114-153

Imported food

43. Thirty per cent of the food consumed in the UK is imported¹¹³, and imported foodstuffs have been associated with a number of outbreaks of food poisoning in recent years¹¹⁴. Produce of animal origin entering the UK directly from non-EU countries may only enter through approved Border Inspection Posts (BIPs) following prior notification. Enhanced controls also exist on nuts, dried figs and their products, because of the potential presence of aflatoxin. All other produce from outside the EU is subject to the more general provisions of the Food Safety Act 1990 and the Imported Food Regulations, but there is no requirement on importers to land at designated ports or to provide advance notification to the Port Health Authorities responsible for enforcing controls. Food entering the UK from another EU member state, whether it originated in that state or from a third country, is not subject, under the Single Market, to the same controls or surveillance, unless an identifiable problem emerges¹¹⁵. The Association of Port Health Authorities (APHA) were not satisfied that the existing system for controlling the importation of food provided adequate safeguards for public health, and argued that “there needs to be a uniform system of checks on all foodstuffs entering the EU and not just for products of animal origin”¹¹⁶. There have been several large-scale food poisoning outbreaks in the US in recent years associated with hepatitis A virus, *Cyclospora* and *E.coli* O157 in imported fruit and vegetables. The importance of ensuring conformity in standards and traceability of imported foodstuffs was graphically illustrated in one such outbreak connected with raspberries imported from Guatemala. One of the factors which made it possible for the Food and Drug Administration to identify the source of the contamination, deal with the farming practices that gave rise to the problems, and prevent a recurrence, was its ability to trace the source of the contaminated fruit back to six individual farms.

44. Dr Cunningham rejected the notion that the Food Standards Agency would impose disproportionate costs and burdens on the British food industry which would disadvantage it in relation to producers in Europe and elsewhere. He said that legislative safeguards would ensure that there were no burdens on British producers, whether farmers or others, that were “not justified on public safety grounds”¹¹⁷. **We have no evidence to suggest that imported food in general is now, or is likely to become in the future, any less wholesome and safe than UK produce. Multiple retailers, for example, audit and inspect their foreign suppliers on the same basis as their UK suppliers. We do consider, however, that the arrangements for surveillance of food imports, and for ensuring their traceability on an absolutely equal basis with domestically-produced food, will be important issues for the new Food Standards Agency to address, both at the EU level and with local port health authorities. The Agency cannot afford to have domestic producers feeling that the “playing field” is not level. Nor can it rest content with any inspection regimes in other countries which are not as thorough as in the UK.**

Economy products

45. In food production and processing there may often be financial costs involved in securing higher standards of food safety. The PHLS, for example, argued that measures to improve poultry meat hygiene would increase the cost of poultry meat¹¹⁸. The Federation of Fresh Meat Wholesalers, pointing to the range of regulatory costs already faced by the red meat slaughtering business, emphatically stated: “We cannot accept further increases in our costs... Any further increase in costs will inevitably result in significant increases in cheaper, and less controlled, meat being imported for sale to our consumers”¹¹⁹. It would indeed be highly ironic, and undesirable, if British consumers were to switch to less safe imported foods in preference to safer but dearer UK produce. The Government’s White Paper itself acknowledges that “in many

¹¹³ Ev p 79

¹¹⁴ Ev p 93

¹¹⁵ Appendix 15; Qq 153–7

¹¹⁶ Appendix 15

¹¹⁷ Q 1615

¹¹⁸ Ev p 129

¹¹⁹ Ev p 277

circumstances the public is unlikely to be willing to pay the cost of achieving the maximum theoretical level of safety (whether that cost is manifested in higher food prices or in restrictions in freedom of choice)¹²⁰. In analogous “level playing field” cases, concerning animal welfare standards, for example, we have some sympathy with UK producers, but the highest reasonably achievable standards of food safety are, in our view, non-negotiable on financial grounds, and it is unacceptable for the UK food industry to set itself any other than the highest standards. We would hope and expect that the imprimatur of safety and quality, which will come to be accorded to UK food as public confidence in our regulatory systems grows, will provide a marketing advantage which will outweigh price considerations in many cases.

46. In this context, we were concerned to hear evidence from the PHLS that survey work had shown that cheaper compound meat products on sale in the UK, such as burgers and sausages, were more likely to be contaminated with *Salmonella*¹²¹ than such products which were of higher quality and price. Mr William Jermey of the BMMA said that these lower-priced products were outside the control of the Association¹²². Some retailers were setting price specifications too low¹²³, and this led to “under the railway arches” meat manufacturing operations¹²⁴. **The BMMA called for greater regulation and enforcement of hygiene at the lower price end of the meat manufacturing industry¹²⁵. We agree with the BMMA, and others who gave evidence to us, that all consumers have a right to expect their food to be safe from contamination, irrespective of price¹²⁶. It will be a major test of the Food Standards Agency to raise the safety standards of lower-priced food, meat and non-meat products alike, to those of more expensive and controlled foodstuffs.**

Non-microbiological food safety risks and potential risks

Pesticides

47. Microbiological hazards account for the vast majority of acute food poisoning cases in the UK, but there is a wide range of other risks which are of actual and potential concern to the public, even leaving aside the question of the long-term effects on health of the nutritional quality of diet. As with microbiological safety, the Government and, in the future, the Food Standards Agency, will need to make a careful assessment of all non-microbiological risks and the regulatory systems in place to minimize and, where feasible, eliminate such risks. We received a substantial amount of evidence on the potential risks from pesticide usage and the techniques of genetic modification which are increasingly being developed for food production purposes. In the former case, it is well-established that pesticides are toxic and the regulatory systems in place for obtaining approvals to market pesticides, and for surveying levels of pesticides residues in food, are designed to ensure that this toxicity is not permitted to harm human health. These systems are fully explained in the evidence supplied to us by the Government and the Pesticides Safety Directorate, the Executive Agency of MAFF which is responsible for the regulation of pesticides¹²⁷. The previous Agriculture Committee also carried out an in-depth inquiry into the Pesticides Safety Directorate in 1995¹²⁸.

48. Mr Peter Riley, Food and Biotechnology Campaigner for Friends of the Earth, presented a well-argued case against the level of usage of pesticides in intensive farming, and made a number of telling criticisms of the current system for regulating pesticides approvals and usage. He did concede, though, that it was “very, very difficult”¹²⁹ to link particular illnesses in people

¹²⁰ Cm.3830, para 2.6

¹²¹ Q 179

¹²² Q 1320

¹²³ *ibid*

¹²⁴ Q 1322

¹²⁵ Q 1323

¹²⁶ Q 1320; Q 407

¹²⁷ Ev pp 49–50; 334–7

¹²⁸ Fifth Report from the Agriculture Committee, Session 1994–95, *Pesticides Safety Directorate and Veterinary Medicines Directorate*, HC 391-I

¹²⁹ Qq 1071-2

to consumption of residues of pesticides in food. This does not mean that absolutely no risk exists, for it is never possible to be fully certain of the extent to which exposure to pesticides in food may be a contributory factor in long-term chronic illnesses such as cancer. The absence of proven risk does not mean there is an absence of risk. Instances of misuse of pesticides by farmers and growers do occur, and some have been identified by pesticides residues surveillance: for instance, 3 lettuce growers have been successfully prosecuted over the last 3 years for misuse of fungicides in winter lettuce¹³⁰. This does not, however, imply any tangible danger to the public because of the wide safety margins built into pesticides residue limits¹³¹.

49. The Food Standards Agency White Paper proposes to leave responsibility for the evaluation of food safety aspects of pesticides with the Pesticides Safety Directorate, contrary to Professor Philip James's advice that it should have been transferred to the FSA. The White Paper states that "The food safety evaluation of pesticides and veterinary medicines is part of an integrated process which is designed not only to protect the consumer but to safeguard the user of the product, neighbours and bystanders, the environment and – for veterinary medicines – the target animal as well"¹³². The Government does however propose a number of mechanisms through which the FSA will be able to act to influence the pesticides evaluation process, including an effective veto on pesticides approvals. Surveillance of residues will remain with the PSD (and, in the case of veterinary medicines, with the Veterinary Medicines Directorate), but the White Paper proposes that the FSA should work closely with the PSD and the VMD in drawing up their surveillance programmes and should have powers to undertake its own surveillance "should it consider it necessary to supplement the PSD/VMD programmes"¹³³. **We consider that public confidence in the safety of food in respect of pesticides and veterinary medicines residues would be enhanced if the surveillance programmes were carried out by the FSA wholly independently of the authorities responsible for product approvals. We further consider that the Agency should actively promote the results of its surveys in the consumer media.**

Genetically-modified organisms

50. Techniques of genetic modification used in food production are subject to considerable public mistrust, combined with a low level of knowledge about biotechnology (the lowest in Europe, according to a Sainsbury's poll cited by Mr Riley of Friends of the Earth¹³⁴). Friends of the Earth stated that "The introduction of genetically modified organisms [GMOs] into the human food chain has been done without adequate public debate concerning the need, ethics and risk involved. It is important that the debate takes place in the light of full information before any further releases or approvals for GMOs are made"¹³⁵. Others vigorously questioned the need for genetically-modified foods, and called, at the very least, for labelling and segregation of all such foods¹³⁶.

51. Advice on approval and labelling requirements of foods containing genetically-modified organisms or derived from GMOs is the responsibility, in the UK, of the Advisory Committee on Novel Foods and Processes (ACNFP), which assesses their safety, and the Food Advisory Committee, which considers labelling requirements for such foods. These functions are carried out in accordance with the provisions of the EU's Novel Foods Regulation. In essence, the Government's position on labelling is that "The UK is pressing for all foods which contain genetically-modified ingredients to be clearly labelled so that consumers know what they are buying. In the case of refined products obtained from GM sources, such as oils, which contain no genetic material and are equivalent to existing food products, the UK accepts that labelling is not required"¹³⁷. In cases where genetically-modified crops are commingled with conventional

¹³⁰ Appendix 90

¹³¹ Qq 1001–2

¹³² Cm. 3830, para 4.25

¹³³ *ibid*, para 4.29

¹³⁴ Qq 1074–5

¹³⁵ Ev p 345

¹³⁶ cf. Appendices 3 and 4

¹³⁷ Ev p52

crops, and the presence of GMOs in the final product cannot be ruled out, the Government supports the labelling phraseology “this product may contain genetically-modified organisms”¹³⁸. Dr Cunningham saw no sign that genetically-modified foodstuffs currently on the market presented any danger to the public, or to the environment, though he stressed the need for continued vigilance¹³⁹. Professor Pennington, a microbiological rather than a biotechnological expert, described GMOs as “a very difficult issue”, though he was less worried about them than about antibiotics as a food safety hazard¹⁴⁰. The number of genetically-modified food products on the UK market is currently limited but is likely to grow quite fast. During our visit to the USA we encountered strong resistance amongst politicians and industry to the mandatory labelling of GM products on the grounds that such labelling implied a risk over and above conventionally-produced foodstuffs where they firmly believed that no such additional risk existed. **It is our view that consumers have a right to know if foods contain genetically-modified organisms, or if there is a possibility that they may contain them, and we fully support the Government’s labelling policy for such foods. GMOs also have potential environmental consequences, but these matters lie outside the scope of this Report. We strongly support Dr Cunningham’s call for continued vigilance both on the food safety and environmental consequences of GMOs. These are issues to which we may return in a later inquiry.**

The food chain

52. The length of the food chain, from the farm (including its inputs) to the dinner plate in the domestic household, is well understood and attested. Changing consumer preferences, such as demand for convenience foods and chilled foods, have lengthened the traditional food chain and, arguably, introduced new food safety hazards or risk points¹⁴¹ (though this was disputed by the Chilled Food Association¹⁴²). The food chain is also very complex – perhaps it could more accurately be described as a complex of interlinked chains. At all stages of the chain there is potential for contamination or cross-contamination of food, and scope for the prevention of contamination, reducing or retarding the spread of pathogens, and, at certain points, eliminating them. Mr Colin Maclean, Director General of the Meat and Livestock Commission, encapsulated the issue in his description of the food chain: “to cause a problem of food poisoning three things basically need to happen: you need a source of the microbe that will cause the problem; you need to multiply it normally to a level at which the dose is right to infect you; and, thirdly, you need to fail to kill it”¹⁴³.

53. If the metaphor of the food chain has become a commonplace (together with the associated clichés “farm to fork” and “plough to plate”), so too has the observation that pressure must be applied at all points of the chain to improve food safety. One of the major benefits of the establishment of a Food Standards Agency should be its ability to survey the entire length of the chain and identify the critical points where intervention will have the most effect. We asked several witnesses where the greatest problems existed in the food chain, and received a variety of answers: Dr Cunningham referred to butchers’ shops, abattoirs and the home¹⁴⁴. Mr Richard Carden of MAFF thought that the Government needed to pay more attention to farming practices¹⁴⁵, as did the written evidence from the ACMSF, which said that a “major factor” in the increase in food poisoning notifications was “the extent to which output from the agriculture sector too often contains food poisoning pathogens”¹⁴⁶. Both the Food and Drink Federation and the Chilled Food Association claimed that their members’ food hygiene practices were fully effective, and that they did not introduce pathogens into produce but attempted to deal with their potential presence in their raw materials as well as the “knock-on effect of poor hygiene in

¹³⁸ Q 1534

¹³⁹ Qq 1528-9

¹⁴⁰ Q 1462

¹⁴¹ Q 32

¹⁴² Qq 1235-7

¹⁴³ Q 760

¹⁴⁴ Q 1495

¹⁴⁵ Q 34

¹⁴⁶ Ev p 148

catering practice”¹⁴⁷. The Chilled Food Association called for the application of HACCP principles to the agricultural and farming sector¹⁴⁸.

54. It is probably, ultimately, a fruitless exercise to attempt to apportion responsibility and blame precisely through the various stages of the food chain. However, the BSE tragedy illustrates the importance of preventing contamination at the earliest point in the food chain, and the unpredictable consequences for the rest of the food chain of compromising safety at the early stages. The nature of activities, and the extent of control which can be exerted over pathogenic micro-organisms, is very different throughout the chain. The environment of livestock production on a farm cannot be compared to that of a food processing facility. Likewise, regulatory oversight differs considerably, from the close scrutiny of slaughterhouse hygiene by MHS inspectors, to occasional inspections of caterers and food retailers by EHOs. **The Food Standards Agency will need to secure hygiene improvements throughout the food chain by a variety of methods, including a strategic review of the different sectors in the food chain to identify research priorities with clear targets and objectives to bring about the desired improvements in pathogen reduction and control. At the same time, it must not shrink from re-appraising the hygiene control strategies which are already in place when it begins its operations. The Agency must come to its own judgements about the hierarchy of risk within the food chain and may choose to adapt the existing regulatory framework to reflect that risk, balancing the need for regulation against producers’ legal responsibilities to exercise “due diligence”, under the Food Safety Act, in ensuring the safety of their produce and consumers’ reasonable obligations. The Agency should also commission research on the practicability and desirability of simplifying and shortening the food chain with the aim of reducing risk.**

55. One encouraging feature of the food chain, in relation to microbiological contamination of meat at least, is that it is stronger than its weakest link. Thorough cooking before consumption destroys all pathogenic micro-organisms. **Full observance of basic and well-established hygiene rules by caterers and domestic consumers would slash the incidence of food poisoning in this country. However, particularly bearing in mind the fact that many food products are eaten raw or purchased already cooked, the onus to prevent incidents of food poisoning must not be placed solely upon the consumer. As the Chairman of the ACMSF has said: “ordinary household and small caterer hygiene cannot be expected to deal on all occasions with the unacceptable incidence of food pathogens found in the output of animal production and spread further in slaughter and primary butchery of carcasses”**¹⁴⁹.

HACCP

56. In recognition of the wide variety of food processing and handling practices throughout the food chain, increasing emphasis is being placed, in regulation, on establishing and encouraging the implementation of general hygienic procedures, rather than prescribing precise procedures for each type of foodstuff and each type of food business. The EU is undertaking a consolidation and simplification of its product-specific “vertical” hygiene legislation. The Government told us that “it is intended that the approach to food safety controls based on hazard analysis principles will be extended across the board, but prescriptive requirements will be retained where necessary to address risks specific to individual product types or sectors”¹⁵⁰.

57. The embodiment of this approach is the Hazard Analysis Critical Control Points (HACCP) methodology. HACCP consists of a seven-step approach to identify potential microbiological hazards and Critical Control Points (CCPs) where operational failures might create or fail to eliminate hazards. By establishing procedures to control and monitor CCPs, and to enable corrective action to be taken when needed, the HACCP philosophy imbues the businesses which

¹⁴⁷ Ev p 261; Qq 1124, 1184

¹⁴⁸ Ev p 374

¹⁴⁹ Ev p 146

¹⁵⁰ Ev p 21

adopt it with an explicit consciousness of potential risks and procedures which can reduce or eliminate those risks. HACCP has been formally introduced in the UK by the Food Safety (General Food Hygiene) Regulations 1995, which implement the EU's "horizontal" Directive 93/43/EEC on the hygiene of foodstuffs. This directive applies to food caterers and retailers, and manufacturers and processors of non-animal products (animal products are covered by vertical, product-specific legislation)¹⁵¹. However, the legislation only *requires* the implementation of the first five steps in the HACCP approach: it does not require verification to confirm that HACCP is working properly, or documentation and records, although the great majority of businesses applying HACCP will observe these practices.

58. Devised by NASA in the early 1970s because, in Professor Pennington's graphic phrase, of "the horrible thought that diarrhoea in zero gravity would be a bad thing"¹⁵², HACCP has become the internationally-recognized standard for achieving the highest possible levels of microbiological safety of food throughout the food chain. It is enthusiastically supported by scientists and the food industry alike¹⁵³. Miss Kaarin Goodburn, Secretary General of the Chilled Food Association, said "We have HACCP throughout, it is not like an optional extra, it is the core"¹⁵⁴. The Joint Hospitality Industry Congress described HACCP as "clearly the correct approach"¹⁵⁵. The institution of HACCP throughout all butchers' premises is seen as a key to preventing a recurrence of food poisoning outbreaks such as the one associated with *E.coli* O157 which took place in Scotland in 1996¹⁵⁶. Even where it is not formally applied throughout the food chain, the basic principles behind HACCP remain valid. The steps which the public can take in their homes to minimize the danger of food poisoning – correct temperature control of stored food, the avoidance of cross-contamination, and thorough cooking – constitute an informal HACCP procedure. In that sense, the final Critical Control Points exist in the kitchen¹⁵⁷.

59. Is the widespread acclamation of HACCP wholly justified? Marks and Spencer cautioned that HACCP was "only a tool and not a universal solution"¹⁵⁸. The Institute of Food Science and Technology said that it was a "demanding technique requiring rigorous application by well-trained people. It can be said that an inadequate HACCP study can be more dangerous if applied than not doing the study at all"¹⁵⁹. We consider that an undeserved mystique has developed around the HACCP principle which may have led to a reluctance amongst small businesses to embrace the concept. In many respects, HACCP simply represents a codification of the good hygiene practice which all food businesses should follow¹⁶⁰. **The full implementation of HACCP will not, of itself, rid the food chain of microbiological hazards, but it will make a significant contribution to food safety, in conjunction with adequate training of food business managers and food handlers. We also consider that the sixth and seventh stages of HACCP should be made mandatory legal requirements. Nevertheless, the focus of HACCP on the *processes* adopted by individual businesses does not obviate the need for measurement of levels of microbiological contamination of businesses' raw material inputs and processed outputs, and for a co-ordinated approach to the reduction of pathogens throughout the food chain as a whole.**

¹⁵¹ Ev pp 20-1

¹⁵² Q 1420

¹⁵³ Ev p 21

¹⁵⁴ Q 1198

¹⁵⁵ Ev p 279

¹⁵⁶ Ev p 290

¹⁵⁷ Q 1418

¹⁵⁸ Ev p 187

¹⁵⁹ Ev p 8

¹⁶⁰ Q 75

Agricultural and farming practice

60. The Royal Institute of Public Health and Hygiene argued that too often in the UK, “the past philosophy has been that food safety and hygiene is a matter for outside rather than inside the farm gate”¹⁶¹. There is a need to examine closely the requirements of current commercial animal production systems in the search for significant improvements in food safety. There is little doubt that modern intensive farming practices have increased the scope for cross-contamination between animals. Most dairy cows, for example, are *Campylobacter*-positive, and once colonised the animals remain positive for life. It is essential that in order to measure the impact of any pathogen reduction strategy, we have accurate information on the carriage of pathogens by the various animal species in the food chain. It is therefore of concern, for example, that there have been no surveys of the prevalence of *Salmonella* in healthy animals. Data on the incidence of *Salmonella* in cattle, sheep and pigs is mainly derived from the investigation of clinical disease¹⁶². In relation to *E. coli* O157 in various animal species, little is known about the proportion of herds or flocks which are infected, the prevalence of infection within herds or flocks and causes of the spread of infection. A survey is planned in order to establish the level of VTEC O157 in faecal samples from cattle and sheep presented for slaughter. Given the fact that both *Salmonella* and *E. coli* O157 are well established pathogens capable of causing serious illness, it is of some concern that basic research such as this has not been undertaken before¹⁶³. A serious attempt to identify strategies which seek to reduce the levels of pathogens in animals on farms will also have an impact on slaughterhouse hygiene. **Definitive information is needed on what the current pathogen levels are in animals destined for food production and the potential for reduction associated with different intervention strategies. This is a task which the Food Standards Agency will need to address urgently.**

61. The application of good agricultural practices and progressive husbandry methods can make a significant contribution to the safety of farm produce. Considerable success is being achieved, for example, in reducing the incidence of *Salmonella* in poultry. There is undoubtedly scope for further improvement in this and other sectors. On the other hand, as the NFU said, “complete elimination of [zoonotic organisms] from livestock is very difficult and would, indeed, be pointless unless animals were kept in sterile sealed conditions to the detriment of their welfare”¹⁶⁴. The Federation of Fresh Meat Wholesalers argued that it was anomalous, given the degree of regulation at other parts of the meat food chain, that livestock producers were not required to operate under licence, but the then President of the NFU, Sir David Naish, rejected the idea of licensing farmers, preferring a voluntary approach¹⁶⁵. **We believe that MAFF, together with the Food Standards Agency, will need to review the relationship between modern farming practices and food safety, once the basic research on carriage of pathogens in livestock has been carried out. While we do not consider the licensing of livestock producers to be necessary, we are in favour of the promotion of HACCP principles within the farming industry. It is important to remember that extensive and intensive livestock production methods, in food safety terms, both raise their own specific problems which the FSA and MAFF must address on their merits.**

Slaughter and primary processing

62. There is no doubt that animals which are dirty due to faecal material and/or soil, and subjected to unnecessary stress in transportation are more likely to be contaminated with pathogens. The implementation of a Clean Livestock Policy, managed by the Meat Hygiene Service, is a welcome initiative and provides a semi-objective approach to the assessment of the hygienic status of individual animals presented for slaughter. The Meat and Livestock Commission stated quite clearly “that dirty livestock should not be accepted for processing”¹⁶⁶.

¹⁶¹ Ev p 50

¹⁶² Ev p 26

¹⁶³ Ev pp 26–7

¹⁶⁴ Ev p 255

¹⁶⁵ Q 637

¹⁶⁶ Ev p 289

63. The Meat Hygiene Service has responsibility for enforcing meat hygiene, inspection and animal welfare at slaughter legislation in licensed slaughterhouses, cutting plants and cold stores. Hygiene Assessment System (HAS) scores for each plant subjected to inspection are published in the Hygiene Bulletin. Whilst no specific studies have been carried out by MAFF or the MHS to compare the microbiological quality of finished product from slaughterhouses and cutting plants with their HAS scores, a limited study has been undertaken as part of a wider MAFF-funded research project. This study concluded that HAS scores are a useful indicator of an abattoir's capability of producing carcasses to a sound microbiological status. **It is essential to have sound objective measurements of the value of the inspection process, so that judgements can be made about the proportionality of the slaughterhouse inspection regime to the food safety risks involved. In the context of this and other inquiries, we are particularly concerned about the poor-quality "tail" of slaughterhouses with low HAS scores which exists in this country. We recommend changes to the licensing system for slaughterhouses to make it far more difficult for slaughterhouses with unsatisfactory hygiene levels to operate, by banning individuals with a record of running unhygienic establishments from gaining or retaining licences. This should punish the guilty without imposing undue regulation on well-run smaller slaughterhouses.**

Processing, distribution, retail and catering

64. The food manufacturing industry in the UK processes a wide range of products using a variety of raw materials sourced from both within and outside the UK. When one considers the volumes of foodstuffs which are sold, there are relatively few incidents of foodborne illness associated with manufactured foods retailed from large and responsible sales outlets. In the UK, a relatively small group of large retailers have played a significant role in contributing to the high standards of food production. Most major retailers work very closely with their supplier base to undertake product development, implement risk analysis techniques and audit the hygienic operation of processing factories. However, it is important not to be complacent, since a number of potential problems do exist. Whilst the larger companies are not immune from food safety issues, there is growing concern that medium and smaller sized businesses do not have access to the same level of food safety expertise. These are the companies who may not implement HACCP fully, usually because of lack of technical resources. We were pleased to see that the Chilled Food Association recognized the need to provide technical support and assistance to such businesses¹⁶⁷.

65. Legislative oversight of this section of the food chain is embodied in the HACCP approach as set out in the Food Safety (General Food Hygiene) Regulations 1995. Together with the requirement to introduce HACCP, the Regulations set out "a requirement for all food handlers to be supervised and instructed and/or trained in food hygiene matters commensurate with their food activities"¹⁶⁸. They also promote the concept of voluntary industry guides to good hygiene practice¹⁶⁹. Much guidance and advice has been published by the Government, the local authorities who enforce food hygiene legislation, and by the industry itself. The importance of proper training of food handlers has been stressed by many in evidence to us. The Joint Hospitality Industry Congress, for example, provided us with a copy of the catering industry's guide to good hygiene practice, which is admirably clear in setting out the levels and types of training required by different categories of staff within the catering sector. Mr Clive Wadey of the JHIC did agree, however, that there was an issue involved in "who is checking whether this training is carried out and how effective that training is, the quality of training and how much can people remember? We have to keep reminding people"¹⁷⁰. By its nature, the catering industry has a high turnover of staff. The Transport and General Workers' Union stated that: "Poor working conditions, unhygienic practices and high staff turnover will have a negative impact on both food quality and food safety. We believe that minimum training standards for all workers in the food chain should be met before a worker is allowed to handle or process

¹⁶⁷ Q 375

¹⁶⁸ Ev p 20

¹⁶⁹ *ibid*

¹⁷⁰ Q 745

food”¹⁷¹. Mr David Smith, who has studied the effectiveness of food hygiene training at the European and UK levels, submitted evidence to us highlighting weaknesses in the system, which he described as having a “miserable record”¹⁷². **We are concerned that the admirable principles which are espoused by the JHIC and other industry associations in relation to food hygiene training are not being implemented in practice throughout all food businesses. The withdrawal of mandatory funding of food hygiene courses by the Further Education Funding Council is a retrograde step**¹⁷³. The effective implementation of HACCP depends crucially on well-trained managers and employees in food businesses. The FSA should be encouraged to comment publicly on the adequacy of such training.

The consumer

66. While most food poisoning outbreaks occur in restaurants, the second highest number take place in private homes¹⁷⁴, at parties, barbecues and the like. The great majority of individual food poisoning cases occur in the home. A number of reasons have been advanced for the apparent increases in the incidence of food poisoning in the home in recent years. These include:

- shopping at supermarkets once a week, leading to increasing reliance on fridges and freezers to keep food fit to eat;
- preferences for chilled foods and ready-to-eat meals, which require close observation of storage and preparation instructions; and
- lack of familiarity with the safety issues surrounding microwave cooking¹⁷⁵.

The MLC, for example, relating the UK experience to other developed countries, said that “traditional forms of food preservation, such as freezing, smoking and other methods are less acceptable to consumers, who now seek fresh products free of additives and preservatives. The consumer trend to use processed meats and ready meals provides further potential for food poisoning episodes”¹⁷⁶. A number of witnesses also claimed that public knowledge of the potential hazards associated with food, and of the correct treatment of food within the home, was less developed than in previous generations.

67. Consumers have a right to expect the food which they buy to be as free of pathogenic contamination as is practicably achievable. Nevertheless, as the ACMSF said, “for the foreseeable future it must be assumed that raw food materials entering the domestic environment will on occasions contain harmful pathogens”¹⁷⁷. The message that consumers need to treat food with care and respect does not excuse the food production and processing industries of their responsibilities – indeed, it is in a sense an indictment of those industries – but it is indubitably the case that most, if not all, cases of food poisoning originating in the home could be prevented.

68. The Food and Drink Federation commissioned a survey in 1996, as part of its foodlink initiative, to examine knowledge and behaviour relating to safe handling of food in the home. The results of this survey demonstrate a patchy awareness of the potential hazards of food: fewer than half of adults, for example, said they always followed storage and preparation instructions on food packages, or kept raw foods below cooked foods in the fridge. Only one in four adults claimed to know the correct temperatures of fridges and freezers, and fewer than half of these people were actually right¹⁷⁸. **All the authorities involved in food hygiene run public information campaigns**¹⁷⁹, although the impact of these initiatives is questionable. As the

¹⁷¹ Appendix 22

¹⁷² Appendix 84

¹⁷³ Q 749; Appendix 84

¹⁷⁴ *Safer Eating: Microbiological Food Poisoning and its Prevention*, POST, pp 37–9

¹⁷⁵ *ibid*, pp 47–8

¹⁷⁶ Ev p 288; see also Qq 760–9

¹⁷⁷ Ev p 148

¹⁷⁸ *Safer Eating: Microbiological Food Poisoning and its Prevention*, POST, p 55

¹⁷⁹ Ev p 35

ACMSF has noted, recipes using raw eggs are routinely presented in cookery magazines and programmes despite the Chief Medical Officer's warnings about the dangers of raw eggs for vulnerable groups. Public information is one area where we believe that the Food Standards Agency must devote sufficient resources, assessing the problems by opinion surveys and using the information to increase public awareness of food hygiene issues, to inform consumers about changes in best practice and bring about a substantial reduction in food poisoning cases (see also paragraph 99 below). We welcome moves currently under way to raise the profile of the subject of food hygiene in school curricula¹⁸⁰.

69. The standards of domestic kitchen equipment, especially fridges, freezers and microwaves, have important implications for food safety in the home. Too many fridges lack thermometers or temperature indicators which would allow people to be sure that they were storing food at 5 °C or below, retarding bacterial growth. Likewise the variety of microwaves on the market means that the cooking instructions on food packaging may not be fully appropriate to all makes. Mr Joe Hattle, of the Chilled Food Association, said "we have to make an allowance for the fact that there is a variation in these things and build that extra safety margin into our instructions. You get phrases such as "ensure that it is piping hot", it is not a terribly good phrase to use but at the end of the day it is so difficult to say something else that helps the consumer"¹⁸¹. Some welcome developments have taken place. The Food and Drink Federation, through its Foodlink Campaign, has distributed 40,000 fridge thermometers via local Environmental Health Departments¹⁸². **The Food Standards Agency must have an important role to play in encouraging manufacturers to achieve higher and more uniform standards in domestic kitchen equipment, particularly fridges and microwaves, to assist the public in maintaining the safety of food.**

Traceability and labelling

70. From a food safety point of view, the traceability of produce throughout the food chain is of substantial benefit. Multiple retailers have recognized this, and effectively audit their produce from the level of the farm until it arrives on their shelves. Safeway, for example, has applied farm assurance standards to all its meat products since April 1996, and inspects abattoirs and meat packing plants. The result of this policy is that "Safeway fresh meat is traceable from the retail pack back to a batch of supplying farms"¹⁸³. As well as allowing multiple retailers to influence production methods in response to changing consumer preferences, assurance schemes and traceability assist greatly in pinpointing food safety problems when they arise. Marks and Spencer cited the 1997 recall of 12,000 tons of frozen hamburgers produced by Hudson Foods in the USA as an example of the disastrous commercial consequences of failing to maintain traceability¹⁸⁴. Public health authorities also have a clear vested interest in being able to trace a food safety problem back to its precise source, whether it be a retailer, a processor, a slaughterhouse or a farm. The PHLS recommended the introduction of labelling regulations "to require all foods sold at retail or to caterers to contain sufficient information to trace food back to the producers if the food is implicated in an outbreak"¹⁸⁵.

71. We seek the maximum provision of information to consumers about their food, through labelling, where possible, and other means, and we support the Government's general approach to this subject. Consumers are entitled, in our view, not just to comprehensive and clear information on the ingredients contained in their food, but to as much information as possible about the provenance of that food, the producers and processors involved in its production, and the methods of its production. We recognize that space on labels is finite, and that complete traceability cannot be assured for all foodstuffs, especially those containing numerous ingredients. **Nevertheless we feel that a radical overhaul of the labelling of food on sale in**

¹⁸⁰ Ev p 36

¹⁸¹ Q 1234

¹⁸² Qq 1145-8; Ev p 373

¹⁸³ Ev p 191

¹⁸⁴ Ev p 185

¹⁸⁵ Ev p 80

the UK is long overdue. Food imported into the UK must be subject to the same traceability and labelling requirements as domestically-produced food.

III. THE FOOD STANDARDS AGENCY

The origins of the FSA: the James Report

72. We have already briefly outlined the genesis and history of the proposal that a Food Standards Agency should be established (see paragraphs 3 and 4 above). In this section of our Report we examine the history of this proposal in rather more detail, before analysing those issues which seem to us crucial if the Agency is to fulfil the high hopes which are held for it.

73. Setting the context for his comprehensive and detailed proposals for an FSA, Professor Philip James cited three causal reasons for “[loss of] confidence in the safety of British food.”¹⁸⁶ These reasons were, first, that MAFF’s dual role as the promoter of UK primary producers and agricultural industries and as guardian of the well-being of the UK consumer had led to a widespread public perception that the Ministry was taking “decisions on food safety to the detriment of public health and [the] consumer...”¹⁸⁷ Secondly, that there was fragmentation and lack of coordination in the administration and regulation of UK food safety policy, with an awkward division of responsibilities between MAFF, the Department of Health and the Territorial Departments, in the area of food hygiene especially. A third reason cited as undermining public confidence was the alleged uneven enforcement nationally of existing food safety regulations by the MHS and local authority EHOs.

74. Professor James’s proposals sought to address these problems directly by making it “a fundamental aim [of the Food Standards Agency]...to reestablish within 3 years public confidence in the national mechanisms for handling problems concerning food.”¹⁸⁸ The James Report advocated that the FSA should be a non-departmental public body (NDPB) with executive powers, reporting to the Secretary of State for Health and modelled loosely on the successful example of the Health and Safety Commission/Executive (HSC/E):

“The new Agency should have a remit which encompasses the complete food chain. The governing body of the new Agency (the Commission) would advise Ministers on all matters relating to food safety, food standards and nutrition and public health. The Agency [’s Executive] would draft proposed legislation, develop policy and issue guidance to the food industry and enforcement bodies.”¹⁸⁹

James’s proposals recommended that the FSA’s Commission should consist of around 10 persons selected by the Prime Minister, or a Ministerial Council, on the basis of their “expertise and knowledge.” While persons representing commercial and industrial interests within the UK food chain would be eligible for consideration as Commissioners, the Report expressed the view that consumer and public interest groups should form the majority, and that there should be adequate representation on the Commission from among the different countries of the UK. As well as providing advice on food standards and safety policy to the Secretary of State for Health and to Ministers, the Commission’s role would be to instruct the Agency’s Executive.

75. The James Report anticipated that the Executive’s personnel would in the first instance be drawn from Government Departments (principally MAFF, the Department of Health, and their Executive Agencies), although such reallocated staff would be required to “acquire rapidly a culture where public health and consumer interests clearly dominate whilst proper account is

¹⁸⁶ *Food Standards Agency: an interim proposal by Professor Philip James*, p5

¹⁸⁷ *ibid*

¹⁸⁸ *ibid*

¹⁸⁹ *ibid*, p 18

taken of economic and business interests.”¹⁹⁰ External appointments would also be made to fill vacancies within the Executive.

76. Calling for national powers of auditing, surveillance and enforcement of food standards and safety policy for the FSA, the James Report foresaw the Agency working closely with local authorities to produce “a new cohesive organisation [for the delivery of food standards and safety policy] with a National, Regional and Local structure...”¹⁹¹ Whilst not replacing local authorities in their enforcement role, the FSA would oversee all aspects of food law enforcement and would have overall responsibility for its nationwide implementation, assisting local authorities with their enforcement activities where the need arose. Partly to facilitate these enforcement and surveillance functions, and partly to address more effectively the different territorial needs of the UK’s constituent countries, the James Report endorsed the creation of separate Commissions for Scotland, Wales and Northern Ireland to advise the UK Commission.

77. In setting out the most far-reaching changes in the organisation and administration of UK food policy since the War, the James Report envisaged the FSA taking over all MAFF’s activities in the sphere of food standards and safety, assuming responsibility for Department of Health duties on the public health and medicinal aspects of food policy, and acting as a supervisory/reporting body for Executive Agencies currently under the auspices of MAFF, such as the Pesticides Safety Directorate (PSD), the Veterinary Medicines Directorate (VMD) and the MHS. There was, therefore, heightened interest in the nature of the Government’s response to the specific recommendations made by James because not only was it likely to alter radically the delivery and development of UK food policy, but it was also certain to have major administrative and organisational implications for the two principal arms of Government in this area, MAFF and the Department of Health.

The Government White Paper: “The Food Standards Agency: A Force for Change”

78. Following consultation, many of the conclusions and recommendations contained in the James Report were incorporated in the Government’s White Paper *The Food Standards Agency: A Force for Change*, published on 14 January 1998. The White Paper provides the basis for a radical overhaul of UK food standards and safety policy, founded upon a Food Standards Agency “...which will promote high standards throughout the food chain, from the point of production to the point of consumption. It will be a powerful new body, dealing with a complex area and a wide range of interest groups, from producers, manufacturers and retailers to scientific experts, public health professionals and, most importantly, consumers. The Agency will not be tied to any vested interests. It will have clearly defined priorities. It will be free to publish any of the advice it provides to Government. If Ministers decide not to follow that advice they will have to explain their reasons to the public and to Parliament.”¹⁹²

79. The principal goal of the FSA set out in the White Paper will be the protection of public health in relation to food. Chapter three summarises the anticipated administrative and regulatory changes brought about by the creation of the FSA: “...the Agency should take over responsibility from the Agriculture and Health Departments for advising Ministers on the UK policy framework in the areas of food safety and food standards, including important aspects of nutrition. This would include advising on the need for and content of legislation and the implementation of policy. The Agency should also have important responsibilities for public information and education on food matters, for representing the UK in the EU and other international organisations, for commissioning research and surveillance and for setting and monitoring standards for food law enforcement.”¹⁹³

80. The central chapters of the White Paper (four to six) specify the structure and core functions of the proposed Agency: chapter four on ‘The Agency’s Role in Food Safety’, chapter

¹⁹⁰ *ibid*, p 6

¹⁹¹ *ibid*, p 5

¹⁹² Cm. 3830, Foreword

¹⁹³ *ibid*, para 3.2

five on 'The Agency's Role in Food Standards and Nutrition' and chapter six on 'The Structure of the Agency and its Accountability'. We consider the main proposals of these chapters briefly in the following paragraphs.

Food safety

81. Chapter four notes that "Food safety will be at the heart of the Agency's responsibilities."¹⁹⁴ In practice, the FSA will oversee virtually all aspects of UK food standards and safety policy with the exception of on-farm activities and the manufacture and approval of pesticides and veterinary medicine products. MAFF will retain responsibility in this area, although the Agency will be able to intervene at the farm level if it believes food safety standards are being compromised.

82. In the context of recent food scares over *E.coli* O157 and *Salmonella*, a significant responsibility devolved to the Agency is to develop and implement a national strategy for the control of foodborne zoonoses (i.e. animal diseases transmissible to humans), by working in close cooperation with the Agriculture Departments and the Department of Health. The impact of another crisis in the UK food sector - that over BSE - is also evident in the Government's proposal that the FSA has responsibility for monitoring the level of contamination of animal feedingstuffs, and for ensuring that these products are labelled in accordance with their composition. **We welcome the leading role to be played by the FSA in developing an integrated preventative strategy for the control of human zoonoses as described in the White Paper.**

83. Other measures set out in chapter four which are broadly in line with those of the James Report are on food hygiene (where the Government proposes that the FSA will take over MAFF's and the Department of Health's responsibilities for advising Ministers on all aspects of food hygiene policy and the microbiological safety of food); meat and dairy hygiene (the FSA will assume "ownership" of the MHS and will henceforth have responsibility for licensing of abattoirs and the formulation of meat hygiene policy); and the surveillance of foodborne illness outbreaks (the FSA will not replace local authority activities in this area, but will lend assistance where required). The White Paper also advocates extensive powers for the Agency in the areas of regulating novel foods and processes (including GMOs), and regulating food additives and chemical contaminants in foods.

84. However, the Government's proposals for the Pesticides Safety Directorate and the Veterinary Medicines Directorate differ significantly from those of Professor James by advocating that both Directorates retain their status as Executive Agencies of MAFF and continue to have responsibility for authorising new products¹⁹⁵, with the FSA having an effective veto over the approvals process.

85. While recognising that the PSD would not "naturally sit...within the Food Standards Agency" and agreeing with the general tenor of the White Paper, in their oral evidence to the Committee Friends of the Earth questioned the logic of this particular proposal "when all the other safety functions of MAFF are being taken out and put into the Food Standards Agency"¹⁹⁶. The Institute of Trading Standards Administration also felt that leaving the VMD and the PSD as MAFF agencies might leave the FSA reacting to problems as they arose, rather than being in the position to take effective preventative action. By contrast, industry representatives were concerned that re-assigning the PSD's responsibilities to the FSA would lead to the loss or displacement of skilled and experienced personnel, thereby impairing the existing registration and approvals process. The British Agrochemicals Association expressed their concern "that PSD might be split up under the proposed new Agency."¹⁹⁷ Diplomatically perhaps, PSD officials refused to be drawn on whether continuation of the existing working arrangements or

¹⁹⁴ *ibid.*, para 4.1

¹⁹⁵ Cm. 3830, para 4.27

¹⁹⁶ Q1051

¹⁹⁷ Q986

inclusion within the FSA was preferable. We are satisfied that the arrangement proposed by the Government, whereby the PSD and VMD remain the lead authorities in approving new products whilst the FSA has an effective veto over both the approvals (PSD) and licensing (VMD) processes, represents an effective and workable compromise preserving the administrative efficiency of the existing systems whilst ensuring high standards of food safety. As we have already stated, however (see paragraph 49), we would like to see the FSA assuming complete control of the surveillance schemes for pesticides and veterinary medicines, so that approvals and monitoring processes are carried out by different organisations.

86. The Agency will also provide information to the consumer on food intolerance (for example, allergens in foodstuffs) and will co-ordinate central and local government responses to hazards to human health from contaminated food, including the development of emergency plans to cover these contingencies. To ensure this critical function works smoothly and effectively, we believe that the FSA should establish an emergency unit, and that the proposed mechanisms for coordinating FSA and local authority emergency responses should be clarified as soon as possible and integrated with the food industry's own responsibility to manage food safety emergencies.

Nutrition and food standards

87. Chapter five of the White Paper focuses on the Agency's role in enforcing food standards and in defining dietary nutritional requirements. It proposes that the FSA has competence over foodstuffs labelling at wholesale and retail level, and that the Agency institutes a national surveillance programme to ensure that the stated composition of foodstuffs is adhered to by manufacturers and processors. On nutrition, the White Paper's proposals are less ambitious than those set out in the James Report. James noted that "Public interest groups indicate their very strong desire to have nutrition issues considered by the Agency"¹⁹⁸, and suggested that the FSA should draft nutrition legislation, develop policy and issue guidance to local authorities and consumers¹⁹⁹. This role is diminished and restructured somewhat in the White Paper, which envisages the FSA having responsibility for the monitoring and surveillance of the nutrient content of foods, and the provision of advice to consumers on dietary issues, while the Department of Health retains its responsibility for the health and legislative aspects of nutrition policy. Shared responsibilities will include policy formulation and advice to Ministers, and surveillance of the nutritional status of the general public.

88. The White Paper notes that the FSA's nutrition remit provoked "...considerable comment..."²⁰⁰ during the consultation process on the James Report. We noted a similar reaction in the written and oral evidence submitted to the Committee, with some witnesses strongly opposed and others firmly supportive of the FSA having a substantial role in formulating UK nutritional policy.

89. In his evidence to us, Professor James confessed that he had failed to recognise that the nutritional responsibilities of the FSA would be a controversial issue²⁰¹, but pointed out that globally ten times more ill health is attributable to the inappropriate nutritional quality of diet than to infection²⁰². On this basis, he suggested that scaling down the FSA's nutritional remit might have grave consequences for the organisation's long-term success: "If it is downgraded, it will be a very severe setback...The Australian experience has shown that the Australian Agency, which did not specify nutrition as absolutely clearly within its orbit, has run into a major problem."²⁰³ The British Medical Association, the Co-operative Union and Safeway were also of the opinion that the FSA must oversee nutritional issues. However, for other witnesses, including Marks and Spencer and the British Retail Consortium, nutrition was perceived as a

¹⁹⁸ *Food Standards Agency: an interim proposal by Professor Philip James*, p10

¹⁹⁹ *ibid*, p 19

²⁰⁰ Cm. 3830, para 5.6

²⁰¹ Q 1356

²⁰² Q 1359

²⁰³ Q 1364

secondary consideration for the FSA which might divert it from its overriding purpose of enforcing food hygiene standards. Other groups were more strongly opposed to the inclusion of nutrition in the FSA's remit. The Food and Drink Federation, Sainsbury's and the Farmers' Union of Wales all believed that taking on responsibilities for nutrition might be counterproductive for the FSA, and might undermine public confidence in the Agency by embroiling it in "possible dispute over the nutritional qualities of various foods"²⁰⁴. We were interested to hear from public interest groups in the USA concerned with food safety that they thought there were merits in excluding nutrition from the remit of such agencies. **We favour the inclusion of aspects of nutrition policy within the remit of the FSA, although we are concerned about the lack of clarity within the White Paper about the division of responsibilities between the Agency and the Department of Health. Nutrition is not a second-order issue: poorly-balanced diets cause much greater damage to health than food poisoning, and over the long-term the Agency could achieve significantly more in its nutritional activities than in its food safety role.**

Structure

90. The proposed organisational structure of the FSA is described in chapter six. In essence it is very similar to that articulated in Professor James's report, with the Agency having NPDB status, but with an expanded Commission of 12 persons drawn from "...a wider public interest background without any specific affiliation."²⁰⁵ **Whilst agreeing wholeheartedly with the notion of impartial and objective Commissioners, we find it highly unlikely that persons of the calibre required will be found without some 'specific affiliation' - whether it be derived from experience in local government, academic, corporate or other non-Governmental sectors. Indeed, the Commission's utilisation of collective experience gained in these different fields by individual Commissioners should be viewed as a strength rather than a weakness, providing the basis for the informed decisions which must be taken by a truly independent FSA.** We note the insertion at this point in the White Paper of the phrase 'wider public interest background'. Professor James supported the broadening of the word "consumer", as contained in his report, to "public interest" on the grounds that "you do not get locked into the Consumers' Association, the National Consumer Council or the other 60 organisations which are intimately involved in this area"²⁰⁶.

Financing

91. For several witnesses, the issue of financing the FSA was the most controversial aspect of the White Paper. In response to the Government's proposal that "the food industry should bear the bulk of the costs of improving food safety and standards"²⁰⁷ through the introduction of charging through licensing arrangements, the Institute of Trading Standards Administration in their written evidence to the Committee commented that this recommendation was "the most critical and arguably the most contentious part"²⁰⁸ of the White Paper, while Sainsbury's described the suggested licensing scheme as "most controversial" and "quite inappropriate".²⁰⁹ Similarly, the Food and Drink Federation characterised the proposed licensing fee as "a levy placed upon the food industry", noting that "as a matter of principle...public health should be publicly funded"²¹⁰. The Association of Port Health Authorities commented that "It would seem unreasonable to us that the food industry in the UK should pay the costs of enforcement of food standards, while local authorities continue to bear the costs of checking imported food"²¹¹.

²⁰⁴ cf. Appendix 40

²⁰⁵ Cm. 3830, para 6.6

²⁰⁶ Q 1343

²⁰⁷ Cm 3830, para 8.15

²⁰⁸ C134 [not printed]

²⁰⁹ Appendix 72

²¹⁰ Q 1166

²¹¹ Appendix 57

92. A range of arguments were advanced by the industry in support of these views, including the large amounts already being invested by manufacturers and retailers to provide the public with high standards of food safety; the uncertainty over the use to be made of monies raised by the FSA through charging for licensing; and the danger that payments made to the Agency from the food industry might be seen as compromising its independent status. Some non-industrial groups, including the Consumers' Association, concurred with this latter point, calling for the FSA to be wholly publicly-funded. We believe that the UK consumer is entitled to expect safe foodstuffs from the UK food industries, and we recognise that, whether or not the taxpayer or the industry contributes to the cost of ensuring this safety, ultimately members of the public will pay through taxes or higher food prices²¹².

93. We are not in favour of the Government's proposed licensing fee as a mechanism for raising revenue for the Agency. It would, in effect, be a regressive tax as food is proportionately a larger item in the budgets of low-income households, and the costs would be passed on to consumers by industry. We believe that licensing should not be the subject of charges and should be selective, not universal. Where there is a recognized scientific need to control the risk of food contamination in particular retail and catering outlets, such as butchers' premises, licensing should be made obligatory, but other outlets should be exempted from this requirement. In our judgement, individual food businesses should only be charged for specific, identifiable activities or services, such as inspections, carried out by the FSA or local authority officers on the public's behalf. All other operating costs accruing to the Agency should be borne by the Government, as should the Agency's start-up costs. Food safety is a matter of public responsibility and should, therefore, be publicly-financed. Our approach has significant advantages over the Government's proposals, not least in ensuring tighter overall control of the FSA's expenditure, and more exacting supervision of the public service it offers, consequent on the Treasury's interest in accounting for public finances. There is a danger that any charging regime will discriminate against domestically-produced food and in favour of imports, damaging the competitiveness of the UK industry. Consideration should be given, consistent with EU legislation, to charging importers of food for the actual cost of food safety checks carried out at ports of entry.

International comparisons

94. Clearly, if implemented in their entirety, the White Paper's proposals will have radical implications for UK food standards and safety policies, not least in its creating an Agency with sweeping regulatory, enforcement and surveillance powers which can intervene at virtually all stages of the UK food chain. In this respect, the FSA can be compared with analogous organisational and institutional arrangements for administering food standards and safety policies introduced at the European Union (EU) level and in the USA. The example of Sweden was also cited to us by Professor James as a country which had successfully implemented a rigorous programme of food safety improvements²¹³, including the virtual elimination of *Salmonella* from the national chicken flock.

95. In the following paragraphs, we therefore compare briefly the EU and US experiences of food safety policies to provide a context for the Government's current proposals. However, at the outset we note the marked difference in social and cultural imperatives in other EU states and the US compared with the domestic situation in the UK. The administrative structures in the United States are also different from this country, making the US in certain respects more comparable with the European Union than with the UK. The US has an estimated 9,100 food poisoning deaths per year, a *per capita* mortality rate greater than the UK, and yet this has not generated the same political pressures as were produced by BSE in this country. However, we also heard that a food safety and nutrition consumer magazine had a mailing list of one million – reflecting a level of consumer concern which is not evident in this country. In the United States food manufacturers had been able to win acceptance in the market for a wide range of

²¹² Q 1547

²¹³ Qq 1348–9

genetically-modified products, whereas GM products have had a slow entry into the market in the country. The deeply-ingrained public scepticism in this country about scientific advice, and about politicians interpreting this advice, coupled with the mistrust engendered by the BSE disaster, lead us to conclude that the FSA may have a more difficult task in dealing with public food safety concerns than equivalent bodies in other countries.

96. In the aftermath of the BSE debacle, and the allegations of a conflict of interest within Directorate-General (DG) VI over its mandate for both EU agriculture and food hygiene policies, the European Commission has recently restructured EU administrative and policy-making responsibilities for food safety. DGXXIV, the renamed Directorate-General for Consumer Policy and Consumer Health Protection, now leads EU policy in this area and will, significantly, have responsibility for developing an EU-wide regulatory regime in food safety within which the FSA will be legally obliged to operate.

97. By contrast, the US Federal Government has considerably more experience than the EU in the implementation and enforcement of food safety and standards legislation. Two Federal agencies have direct responsibility for these activities, the Food and Drug Administration (FDA) and the US Department of Agriculture's Food Safety and Inspection Service (FSIS). Both organisations have legal competence for the enforcement of this legislation in all US states. However, the FDA has a much broader enforcement remit, covering food safety, medicines, cosmetics, pet food, veterinary products and radioactive substances. The FSIS shares the enforcement of food safety with the FDA, but with responsibility only for meat and poultry products. In addition, a third organisation, the Animal and Plant Health Inspection Service (APHIS), also part of USDA, has complementary responsibilities with the FDA for veterinary matters, as well as competences for animal welfare and the control of animal and plant disease outbreaks. The FDA and the USDA also have to co-ordinate their food safety activities with the state authorities across the country.

98. We were unimpressed by the degree of co-ordination between the various agencies in the US, particularly in their implementation of a joint strategy for the eradication of *Salmonella* from the US food chain. The situation was even more complex in relation to seafood. In this respect we concurred with Professor James's observation that, as a paradigm for the UK's own policies in this area, "the US model was not particularly appropriate, in fact the United States are now rethinking their whole system."²¹⁴ It is worth noting that the US's National Academy of Sciences is currently looking at the possibility of a centralised food standards agency like the one proposed for the UK.

99. However, our impressions of the US's FightBAC! campaign – launched by the recently formed Partnership for Food Safety Education (PFSE) – were altogether more favourable. Described as "...one of the most far-reaching and ambitious public education campaigns ever focused on safe food handling"²¹⁵, FightBAC! was launched by the Partnership in October 1997. The campaign uses well-established media techniques to inform consumers of basic sanitation and food handling techniques which can be used around the home to reduce the problem of contamination by food pathogens. The FightBAC! campaign highlights "Four Key Principles" of food hygiene - washing hands and kitchen work surfaces, preventing cross contamination of cooked and raw foods, cooking food at correct temperatures, and refrigerating chilled and frozen foods promptly. These principles have been imaginatively packaged and presented to different target groups in a variety of formats, including 30 second advertisements on national TV; on a dedicated internet website; in promotional literature; and through the extension activities of more than 50 national, state and local organisations. **It is essential that the FSA should utilize modern communication and information techniques. It should also survey public opinion regularly to ensure its messages on food hygiene are getting across. Merely relying on low-key public information techniques, however well-informed and well-intentioned, will not**

²¹⁴ Q1348

²¹⁵ "New Safe Food Handling Campaign Urges Americans to 'FightBAC!'" News Release, Partnership for Food Safety Education, 24/10/97, Washington D.C.

be sufficient. In Professor James's words "simply...putting out [press notice number] 103 each Monday morning is a recipe for disaster."²¹⁶

100. Reliable comparative data on food safety issues from other nations is in short supply. Collecting comparative international data will be an essential component of the Agency's work in constructing and furthering best practice in this country.

The White Paper's proposals: other issues

101. Virtually all witnesses to our inquiry were strongly in favour of the establishment of a Food Standards Agency along the lines proposed in the White Paper²¹⁷. We also welcome the broad contours of the White Paper, especially in the willingness of the Government to engage positively with many of the complex food safety and public health issues raised by Professor James's report. Nonetheless, our attitude to the Government's proposals is motivated by one overriding concern: will the FSA provide a demonstrably better means of integrating food safety and consumer health considerations into UK policies than the existing institutional arrangements? We are hopeful that it will, but in our opinion there are a number of strategic issues and structural problems within the White Paper which must be overcome if the FSA is to succeed. We examine these issues in the following paragraphs. The approach which we have adopted is to ask ourselves "What could go wrong? What could undermine the success of the Agency?" In effect, we have adopted our own 'precautionary principle'.

Risk assessment

102. The public attitude to risk in food, as in all other aspects of life, is not uniform. Some sections of the population may have a greater willingness to accept risk than others. Most people, too, are more stringent in controlling risks to their children than for themselves. As one example of this, Food and Drug Administration officials told us that their warnings to the American public about the risks from *E.coli* O157 in eating rare hamburgers made little impact until the particular dangers for children were pointed out. Moreover, there will never be a complete absence of risk involved in eating food, whether from bacteriological food poisoning or more subtle long-term effects on health. Food safety policy is a continual series of judgements about levels of risk and about the desirability of actions to reduce risk. Such judgements can never be wholly objective or final. The question for the Food Standards Agency is whether it will nevertheless be able to rationalise food safety policy in relation to risk in such a way as to command broad public acceptance.

103. The Government's White Paper states that the essential aim of the Food Standards Agency "is the protection of public health in relation to food"²¹⁸. Another of the Agency's guiding principles is that it will "make decisions and take action on the basis that [its] decisions and actions should be proportionate to the risk; pay due regard to costs as well as benefits to those affected by them; and avoid over-regulation"²¹⁹. Some expressed disappointment that the so-called 'precautionary principle', which calls for action to be taken against the possibility of risks emerging which may not be apparent from existing scientific knowledge, had not been enshrined in the Agency's guiding principles. **Dr Cunningham told us categorically that the Agency "should and... will proceed on [the] basis [of the precautionary principle], as I do myself"**²²⁰. If so, then we believe it should be explicitly stated in the Agency's guiding principles, which is not the case in the White Paper. In any case, we consider that as soon as the Agency departs from the principle of taking decisions which are "proportionate to the risk" it will find itself in very deep waters, not just within the UK but within the context of the EU and international trade. EU member states which are opposed to the lifting of the export ban on

²¹⁶ Q1386

²¹⁷ One exception was the Provision Trade Association; see Appendix 74

²¹⁸ Cm. 3830 p 5

²¹⁹ *ibid*

²²⁰ Q 1541

British beef argue that they are adopting a ‘precautionary principle’ to ensure the health of their consumers, however vehemently the validity of this stance has been challenged, rightly in our judgement, by the present UK Government and its predecessor.

104. While we understand why the precautionary principle towards risk is advocated for the new Agency, we stress again that this does not mean that there can ever be no risk associated with the consumption of food. This is a very important message which needs to be conveyed to the public, not least because any implication that risk has been, or is likely to be, eliminated may unintentionally cause consumers’ sensitivity to food safety to be blunted. One of the models for the structure of the Food Standards Agency is the Health and Safety Commission/Executive, and the HSE provided us with evidence demonstrating the degree of sophistication which is required in providing a risk assessment framework for decision-making²²¹. **One of the first tasks for the Food Standards Agency will be to draw up and publish the risk assessment criteria under which it will operate. We recommend that it consults widely on these criteria before they are adopted. A clear definition of the respective responsibilities of the Government, the food industry and the individual consumer in addressing risk is also required.**

Priorities

105. The Agency will have an awesome range of food safety and standards responsibilities. As indicated throughout this Report, in the field of microbiological food safety alone there is a multitude of tasks which the Agency will either have to co-ordinate or undertake itself. Perhaps wisely the Government has made no attempt to prioritise the importance of one work area over others. In his evidence to us, Dr Cunningham noted merely that the Agency was likely to prioritise those parts of the UK food chain posing the “biggest risks” to public health and would ratchet up enforcement procedures on businesses with the “poorest [food hygiene] standards.”²²² **In order to prevent inundating the Agency with enforcement and policy responsibilities at a very early stage, we consider some form of prioritisation of Agency duties to be not only helpful, but essential. The Agency will need to draw up a clear work programme, prioritising its various areas of responsibility, in response to particular public concerns, scientific priorities, risk assessments, and its capacity actually to effect improvements in food safety, standards and nutrition.**

Targets

106. Among witnesses, it was widely recognised that one of the most effective mechanisms for progressing food standards and safety policy, while simultaneously increasing public confidence in the FSA, would be for the Agency to operate in accordance with targets relating to its policy-making and enforcement activities.²²³ Targets for the Agency’s Executive, covering its operational and executive responsibilities and its financial and administrative efficiency, should be decided by Ministers in consultation with the Agency’s Commission. We believe such a system is both feasible and necessary for the FSA; indeed, it provides the mechanism for achieving Professor James’s stated goal of restoring over a three year period public confidence in UK food safety and food technologies²²⁴. **Failure to meet these targets on the part of the Agency should not necessarily be met by an increase in financial resources available to it. Indeed, we are concerned to make sure that the creation of the Agency does not lead to a large increase in public expenditure, and would on the contrary hope that the Agency would be able to generate efficiency savings in existing programmes over time.**

107. In his evidence to us, Dr Cunningham acknowledged that targeting was at the forefront of his own thinking: “Just let me give you some idea of the sorts of things we have been thinking about in this area of targets. Measures which show how effectively the Agency is achieving its

²²¹ Appendix 83

²²² Q1562

²²³ Qq 1245, 1336, 1466

²²⁴ *Food Standards Agency: an interim proposal by Professor Philip James*, p5

aim of protecting the public health could be, for example, a reduction in the incidence of *Salmonella* in poultry, an increase in the number of businesses introducing HACCP, an increase in hygiene assessment scores at meat plants, abattoirs and meat cutting plants, driving up standards there. Other measures, the percentage of local authorities audited annually by the Agency, could be an important bench mark of how it is getting to grips with its responsibilities. Customer service indicators, such as the length of time to answer correspondence. There is a whole range of possible targets.”²²⁵

108. The ultimate aim of the introduction of the Food Standards Agency will be to achieve a reduction in the incidence of foodborne illnesses, but we are concerned that increased awareness of the issue as the Agency is established, and initial improvements by the FSA in the levels of reporting of illness might lead to an apparent rise in incidence, because of the unreliability of existing data sets. **Some of the FSA’s initial targets must relate to improving the reporting of foodborne pathogen outbreaks and reducing levels of microbiological contamination of foodstuffs. Once the full extent of the national food poisoning problem is known, the FSA can then initiate concerted action, with other Government Departments as appropriate, to monitor and reduce the levels of incidence of human food poisoning across the UK, but it would be wrong to judge the success or failure of the Agency by trends in reported foodborne illnesses, during its first three years. Targets relating to nutrition and health will inevitably be more long-term and imprecise, given the range of other factors, apart from food, affecting public health, the lack of clear causal links between diet and health in many instances, and the policy responsibilities of other bodies apart from the FSA, including the Department of Health itself, in these matters.**

109. The Agency has two real objectives – to increase food safety and public confidence in food. The ‘hard’ targets should therefore be supplemented by a range of ‘soft’ policy targets, such as separate initiatives to increase public awareness and confidence in food hygiene and other indicators along the lines of those envisaged by Dr Cunningham. **The FSA should verify its success in achieving these ‘soft’ targets through regular surveying and monitoring of public attitudes. Such surveys could also be used to assess the public’s opinion of the administration and delivery of the FSA’s new food hygiene policies.**

Political accountability

110. There seems to be a belief in some quarters that the Agency, through its operations, will be able, to some extent, to ‘depoliticize’ the issues of food safety and standards in the UK and to create thereby a consensus on food safety policy which will be immune to political ‘interference’. Proponents of the Agency consider this to be one of its main strengths. Professor James himself was somewhat disparaging about the political process, talking of the “political fray” and the “quirk of [ministerial] succession”²²⁶. We consider such views to be naive and wrong-headed. The Agency’s activities will have an immense impact on food producers and consumer alike, and it cannot expect to escape full political scrutiny and questioning of its decisions. This scrutiny will inevitably encompass the Agency’s work programmes and the targets set for it.

111. Uniquely amongst Government Agencies, as far as we are aware, in instances when the Government decides not to act on the advice of the Food Standards Agency, the Agency will be able to publish its advice independently and, in effect, argue its case in public, forcing the Government to justify its decision not to accept it. This proposal, originating in the James Report, is described in the Government’s White Paper as a freedom which “will provide a powerful guarantee of the Agency’s independence and will enable it to exercise considerable influence”²²⁷. Supporters of this power tend to assume that the public will tend to rally to the side of the Agency, but this is not, in our view, a safe assumption. This power may prove to be a double-edged sword for the Agency. In some circumstances it may be necessary for Ministers to adopt

²²⁵ Q1599

²²⁶ Qq 1355, 1361

²²⁷ Cm. 3830, para 6.15

less stringent measures than the Agency advises; in other circumstances Minister may wish to be more stringent. There are fine political and economic judgements to be made, for example, about issues such as banning the sale of unpasteurised milk and cheeses made from such milk. Likewise, an Agency basing its decisions on proportionality to risk, and not on wider political considerations relating to the European Union, might well disagree with the precautionary approach adopted recently by the Government in banning the sale of beef on the bone. There will also be difficult judgements on the extent of the burdens imposed on domestic producers vis-à-vis importers. These are all issues of legitimate political and parliamentary concern.

112. We agree with the proposals in the White Paper that the Agency should be accountable to Parliament through the Secretary of State for Health, and that it should “produce an Annual Report, Corporate Plan and Business Plan” and “be subject to an annual accountability review and a more fundamental quinquennial review”²²⁸. The White Paper further states that “The Chairperson of the Commission might be invited to give evidence to Parliamentary Select Committees. The Chief Executive would be the Agency’s Accounting Officer. It would be for Parliament itself to consider Professor James’s suggestion that a Select Committee on Food should be established to monitor the Agency’s activities”²²⁹. **In evidence to us Professor James refined his thoughts to propose joint meetings of existing select committees to take evidence from the Agency on its activities. We consider this suggestion to be more appropriate than the creation of a new Food Select Committee. The Agency would then also be accountable to individual select committees, principally ourselves and the Health Committee.** While we recognize that select committees have the freedom to determine their own subjects of inquiry, we consider that the departmental select committee system would be failing in its responsibilities if the Chairperson of the Commission and the Chief Executive were not called at least once a year to give evidence, at a Committee meeting, on the Agency’s Annual Report and Accounts. **We also recommend that a full day’s debate should take place each year on the floor of the House on a motion to take note of the Agency’s Report and Accounts, and any related reports by departmental select committees and the Committee of Public Accounts. Taking evidence from the Chairperson of the Commission on his or her appointment is also something which we would wish to consider seriously, in consultation with our colleagues on the Health Committee.**

Enforcement and inspection powers

113. Tightening up the enforcement of existing food hygiene standards will be a vital component of the Agency’s work. Many witnesses cited the Agency’s enforcement duties as of paramount importance, specifically noting the necessity for the FSA to ensure that local authorities enforce legislation consistently in all parts of the UK. This point was emphasised to us in oral evidence from the British Meat Manufacturers’ Association: “it is control and enforcement that is the problem. There is a huge variance across the country in the way that is carried out. That is the biggest impact the FSA is going to have on food safety.”²³⁰ Similar comments were made by representatives from the Chilled Food Association.²³¹

114. The extent to which the FSA itself should undertake an inspection and enforcement role, and the extent to which such responsibilities should remain primarily with local authorities, have been subjects of substantial interest both in our own inquiry and in the wider debate about the proposals to establish an Agency. Arguments in favour of a centralisation of enforcement activities under the FSA include the variability of resources deployed, by different local authorities, and the relatively successful precedent of the establishment of the Meat Hygiene Service in 1995 to take over from local authorities the responsibility for meat hygiene inspections in slaughterhouses and cutting plants. Others argued that the existing enforcement system made an important contribution to local democracy²³²: LACOTS and the Local Government

²²⁸ Cm. 3830, para 6.12

²²⁹ Cm. 3830, para 6.17

²³⁰ Q1317

²³¹ Q1245

²³² Q 568

Association, for example, said that local authorities were “closer and sensitive to local public views, complaints and pressures”²³³. However, we note that the democratic framework does not necessarily promote better standards of food hygiene enforcement.

115. The White Paper squares this circle by leaving the principal responsibility for food law enforcement with local authorities, while proposing powers for the Agency to enable it to improve the effectiveness of enforcement by “firmer co-ordination and oversight”²³⁴. The Government is considering the introduction of powers for the Agency to “exercise real influence over individual local authorities’ activities”²³⁵. These might include powers to issue directions to local authorities or to take over enforcement activity from an authority, or re-assign its work, in the case of deficiencies.

116. Clearly some local authorities are consistently failing to enforce food hygiene standards. Equally however there are exceptional authorities who, in Dr Cunningham’s words, fulfil these responsibilities “excellently, expeditiously and punctiliously”²³⁶. If a new system of food hygiene inspection were being established *de novo* it would not necessarily be logical for it to be the responsibility of local authorities. However, upheaval would be caused by taking these functions away from local authorities. **We recommend that the Government explore the possibility of the Agency having contracts with local agencies for the delivery of food hygiene enforcement functions. These contracts would include detailed specifications and targets for work to encourage standardisation of enforcement across the country and to ensure that there were adequate resources for the work. They would normally be placed with local authorities, for delivery through their Environmental Health Departments. However, in some instances, the contracts might be placed with other agencies. Whilst the FSA headquarters would be responsible for drawing up and awarding the contracts, it is possible that the monitoring of the contracts would be better done at local or regional level to achieve the level of co-operation and partnership needed to both deliver the service and drive up standards. With this in mind we recommend that at least one member of the FSA’s Commission should have extensive knowledge of local authority enforcement of food legislation; and that a specialist division be set up within the FSA’s Executive to oversee the contractual process, staffed by personnel with extensive knowledge of local authority food safety functions and procedures. This division should also ensure that the FSA has the capacity, in cases of emergency, to assume direct control over enforcement activities.**

The dangers of over-regulation

117. It is conceivable that in certain circumstances legislation proposed by the Agency, or food hygiene standards enforced by it, might have serious negative financial consequences for small and medium enterprises which play a significant contribution in maintaining the variety and vibrancy of rural economies across the UK. We would not wish to see as one of the Agency’s first ‘achievements’ an increase in the rate of bankruptcies among such businesses, and the consequent disappearance of the producers of traditional foodstuffs that contribute so much to the culinary diversity of the British regions. However, neither would we wish to see this argument used to compromise the process of driving up food hygiene standards across the industry. Hence as a matter of priority **we believe the Government, and subsequently the Agency, should give sympathetic consideration to the possibility of introducing derogations from certain legislative requirements for specific types of small producers and retailers offering exemplary levels of food safety, but whose business livelihoods may be threatened by increased administrative costs consequent on greater regulation.**

²³³ Ev p 232

²³⁴ Cm. 3830 para 3.41

²³⁵ *ibid* para 3.45

²³⁶ Q1627

Leadership

118. It is impossible to overstate the importance of appointing the right individuals to the Commission, and to the post of Chief Executive. This is particularly relevant, bearing in mind the sourcing of much of the FSA staff initially from MAFF and the need for the Agency to acquire rapidly a new open and trustworthy ethos. We believe that the key criterion for successful leadership will be the Agency's credibility with the consumer. In particular, the Chief Executive will need to demonstrate considerable experience of serving and working for consumers; communication skills of the highest order; a vigorous target-driven approach to the solution of complex problems; and experience of managing a high-profile national organisation. **Public advertisement of key posts is essential, and the Chairperson of the Commission and the Chief Executive must be able to command the confidence of consumers without alienating producers. They will both need to be outstanding communicators. In particular, they will need to demonstrate considerable experience of serving and working for consumers; a rigorous target-driven approach to the solution of complex problems; and experience of managing a high-profile national organisation. These "paragons of virtue", in Dr Cunningham's phrase²³⁷, will also need to carry authority within the scientific community (though they would not need to be scientists themselves). If it is not possible to identify individuals of sufficient calibre, the formal launch of this Agency should be delayed. A poorly-led Agency would be worse than no Agency at all.**

Crisis management

119. In the short term at least, the existence of a Food Standards Agency will not of itself diminish the likelihood of food crises or scares arising. The success of the Agency in establishing credibility will probably hinge on its ability to handle the first crisis it encounters. A clear crisis management plan is required, establishing a procedure for dealing with the public and the key elements of the food chain. **The Agency must clearly demonstrate that it is more effective at dealing with crises than MAFF has been in the past.**

Openness

120. Over the course of this inquiry, we heard from many witnesses about the need for the FSA to be open in all its activities, transparent in its decision-making, and accountable to the public as well as to Parliament²³⁸. In particular we noted that this was an issue of great importance to academics and consumer groups, possibly because of "the secrecy which surrounded the decision making" of MAFF in the past²³⁹. The creation of the FSA provides an opportunity to break with these traditions. **The activities of the Agency and its advisory committees must take place in the open sunshine of public scrutiny and accountability. We look to the Agency to reach its decisions by open processes and to develop imaginative ways of ensuring its accountability and openness to the general public at both national and local level.**

Consumer representation and input

121. A stated aim of the FSA is that it will "deal...with a...wide range of interest groups...most importantly, consumers"²⁴⁰. However, despite the fact that a majority of the Agency's Commissioners will "come from a wider public interest background without any specific affiliation"²⁴¹ we are not convinced that adequate mechanisms exist in the present proposals either to consult with consumers or to bring the consumer viewpoint to the heart of the FSA's

²³⁷ Q 1569

²³⁸ See, for example, Appendices 39, 69; C111, p 2

²³⁹ Ev p 392

²⁴⁰ Cm. 3830, Foreword

²⁴¹ *ibid*, para 6.6

decision-making. Our feeling is that only by introducing these mechanisms into the FSA's organisational structure will the Agency be in a position to engender a universal sense of consumer trust. In our inquiry we found that the lack of a national, dedicated and effective consumer voice in food safety was a problem. Our view is that this shortcoming should be remedied by the Government through additional provisions, both within the FSA itself and in the wider public and policy environments. At the national level, the Agency should use surveys, focus groups and market research to ascertain issues of consumer concern. **We recommend that a Consumer's Committee, representative of the broad range of consumer interests, be established to advise the FSA's Executive and Commission on general issues; that a specialist Consumer Commissioner be appointed to the FSA to represent the consumer's interests directly in a similar way to the three Territorial Commissioners representing Northern Irish, Scottish, and Welsh interests; and that local or regional consumer panels, run by local authorities, should be established to provide a consumer viewpoint on local and regional issues relating to food safety and standards. We consider that the FSA should itself finance this consumer role to allow consumer panels to conduct their own research on the effectiveness of the Agency and its staff.**

Conclusion

122. In this Report we have analysed the safety of food, particularly in terms of microbiological contamination, and looked at some of the main issues surrounding the Government's proposals for a Food Standards Agency. Our view is that an adequately resourced and structured Agency will make a significant impact on the safety of food in this country, and in public perceptions about the safety of food. The single greatest advance in food safety policy will be the Agency's ability to oversee the entire length of the food chain, fully integrating veterinary and public health concerns in a way which has not proved possible under the existing institutional arrangements. However, any over-optimistic expectations that the Agency will achieve success immediately are bound to be disappointed. Food safety crises will still occur, and the Agency will not be able to pursue its activities untroubled by political debate and criticism. Provided that the Agency recognizes this, bases its decisions on clear and scientifically-founded evidence, and fosters public confidence and participation in its operations without alienating food producers and processors, it should be able to cope with these demands and place food safety and standards policy on a surer basis for the next century.

IV. SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

123. Our principal conclusions and recommendations are as follows:

Pre-legislative scrutiny

- (a) **We would welcome any comments, from Members and others, as to how we might best undertake scrutiny of the draft Food Standards Agency bill (paragraph 9).**

The FSA's credibility

- (b) **In our view, the main challenge which the FSA will face is in establishing its credibility with the public, as swiftly as possible. The Agency must not only make our food safer, but be seen to do so. It must also ensure the correct balance between advice and enforcement. This will require it to set clear priorities for its actions in its first years of existence. The onus on the Government will be to ensure that the FSA will be properly financed, well managed and effectively led (paragraph 11).**

The incidence of food poisoning

- (c) We recommend that the Government explore means of devising research projects to provide a fuller understanding of the different rates of food poisoning in the constituent parts of the UK. The absence of clear conclusions on these discrepancies is inexcusable, and must be remedied if the Agency's work is to be underpinned by a real understanding of the incidence and causes of food poisoning in the UK (paragraph 18).
- (d) Under-notification by GPs is only one part of the wider jigsaw of under-ascertainment of infectious intestinal disease in the UK, but it is an important part, and the Government must both ensure that GPs are advised of developments in foodborne illnesses and their symptoms, and continue to press GPs to meet their responsibilities in respect of notification. This task will be a crucial one if the Agency's work is to be informed by accurate statistical information and not just by hunches and guesswork (paragraph 19).
- (e) Professor Brian Duerden, Deputy Director of the PHLS, argued that "laboratory notifications should become a statutory responsibility". We agree. Such measures are essential in improving public health and food safety policy (paragraph 20).
- (f) The publication of the DoH's infectious intestinal disease report should be extremely important in understanding the true prevalence of food poisoning in the UK (paragraph 22).

Microbiological hazards

- (g) UK food safety policy must aim, as far as is reasonably achievable, at the elimination of pathogenic bacteria from the food supply chain (paragraph 28).
- (h) We would propose that the Government, through the Food Standards Agency when it is established, should effectively apply the HACCP principle to the food-chain in its entirety, identifying the most appropriate points of intervention and control in the context of the methods of production and the characteristics of particular dangerous pathogens. The resources which the Agency allocates in this area should be distributed on the basis of that analysis (paragraph ?).
- (i) The Government has proposed the establishment of an Advisory Committee on Animal Feedingstuffs to support the work of the Food Standards Agency. We warmly welcome this decision, which should provide the necessary impetus to achieve wholly *Salmonella*-free feed in the future (paragraph 35).
- (j) In its response to this Report, the Government should address the problem of formulating strategies against specific bacteriological hazards, as well as the detailed elements of those strategies which we have proposed (paragraph 35).
- (k) The establishment of a rigorous, scientific and statistically reliable national food surveillance system will be an essential component of an effective food safety policy in the future. Ideally these surveys should discriminate between foods produced according to different methods (one example amongst many would be battery and free-range eggs) to provide information which can be used to better effect in influencing policy further down the food chain: they should also discriminate between UK-produced and imported foodstuffs. The results of such surveys must be published regularly (paragraph 36).

Emergent threats

- (l) No one can predict when or if new micro-organisms, or new virulent strains of known bacteria, will emerge. A major food poisoning incident, resulting from such an emergent threat, in the early years of the Agency's existence could hardly be blamed on the Agency (paragraph 37).
- (m) We consider the evidence of transfer of antibiotic-resistant micro-organisms from animals to humans through food to be approaching conclusiveness, and with the consequences of this potentially so serious, we favour a ban on the use of antibiotics in farming as growth promoters, and tighter restrictions on their use for subtherapeutic or prophylactic purposes. Every effort should be made to develop vaccines as alternatives to antibiotics for therapeutic purposes (paragraph 40).
- (n) We see no proof yet of problems in respect of food safety in relation to the practices of disposal of sewage sludge and other organic waste on to agricultural land, but these practices must be kept under close and continuous review in the light of the ACMSF's findings (paragraph 42).

Imported food

- (o) We have no evidence to suggest that imported food in general is now, or is likely to become in the future, any less wholesome and safe than UK produce. Multiple retailers, for example, audit and inspect their foreign suppliers on the same basis as their UK suppliers. We do consider, however, that the arrangements for surveillance of food imports, and for ensuring their traceability on an absolutely equal basis with domestically-produced food, will be important issues for the new Food Standards Agency to address, both at the EU level and with local port health authorities. The Agency cannot afford to have domestic producers feeling that the "playing field" is not level. Nor can it rest content with any inspection regimes in other countries which are not as thorough as in the UK (paragraph 44).

Economy products

- (p) The British Meat Manufacturers' Association called for greater regulation and enforcement of hygiene at the lower price end of the meat manufacturing industry. We agree with the BMMA, and others who gave evidence to us, that all consumers have a right to expect their food to be safe from contamination, irrespective of price. It will be a major test of the Food Standards Agency to raise the safety standards of lower-priced food, meat and non-meat products alike, to those of more expensive and controlled foodstuffs (paragraph 46).

Pesticides

- (q) We consider that public confidence in the safety of food in respect of pesticides and veterinary medicines residues would be enhanced if the surveillance programmes were carried out by the FSA wholly independently of the authorities responsible for product approvals. We further consider that the Agency should actively promote the results of its surveys in the consumer media (paragraph 49).

Genetically-modified organisms

- (r) It is our view that consumers have a right to know if foods contain genetically-modified organisms, or if there is a possibility that they may contain them, and we fully support the Government's labelling policy for such foods. GMOs also have potential environmental consequences, but these matters lie outside the scope of this Report. We strongly support Dr Cunningham's call for continued vigilance both

on the food safety and environmental consequences of GMOs. These are issues to which we may return in a later inquiry (paragraph 51).

The food chain

- (s) The Food Standards Agency will need to secure hygiene improvements throughout the food chain by a variety of methods, including a strategic review of the different sectors in the food chain to identify research priorities with clear targets and objectives to bring about the desired improvements in pathogen reduction and control. At the same time, it must not shrink from re-appraising the hygiene control strategies which are already in place when it begins its operations. The Agency must come to its own judgements about the hierarchy of risk within the food chain and may choose to adapt the existing regulatory framework to reflect that risk, balancing the need for regulation against producers' legal responsibilities to exercise "due diligence", under the Food Safety Act, in ensuring the safety of their produce and consumers' reasonable obligations. The Agency should also commission research on the practicability and desirability of simplifying and shortening the food chain with the aim of reducing risk (paragraph 54).
- (t) Full observance of basic and well-established hygiene rules by caterers and domestic consumers would slash the incidence of food poisoning in this country. However, particularly bearing in mind the fact that many food products are eaten raw or purchased already cooked the onus to prevent incidents of food poisoning must not be placed solely upon the consumer. As the Chairman of the ACMSF has said: "ordinary household and small caterer hygiene cannot be expected to deal on all occasions with the unacceptable incidence of food pathogens found in the output of animal production and spread further in slaughter and primary butchery of carcasses" (paragraph 55).

HACCP

- (u) The full implementation of HACCP will not, of itself, rid the food chain of microbiological hazards, but it will make a significant contribution to food safety, in conjunction with adequate training of food business managers and food handlers. We also consider that the sixth and seventh stages of HACCP should be made mandatory legal requirements. Nevertheless, the focus of HACCP on the *processes* adopted by individual businesses does not obviate the need for measurement of levels of microbiological contamination of businesses' raw material inputs and processed outputs, and for a co-ordinated approach to the reduction of pathogens throughout the food chain as a whole (paragraph 59).

Agricultural and farming practice

- (v) Definitive information is needed on what the current pathogen levels are in animals destined for food production and the potential for reduction associated with different intervention strategies. This is a task which the Food Standards Agency will need to address urgently (paragraph 60).
- (w) We believe that MAFF, together with the Food Standards Agency, will need to review the relationship between modern farming practices and food safety, once the basic research on carriage of pathogens in livestock has been carried out. While we do not consider the licensing of livestock producers to be necessary, we are in favour of the promotion of HACCP principles within the farming industry. It is important to remember that extensive and intensive livestock production methods, in food safety terms, both raise their own specific problems which the FSA and MAFF must address on their merits (paragraph 61).

Slaughter and primary processing

- (x) It is essential to have sound objective measurements of the value of the meat hygiene inspection process, so that judgements can be made about the proportionality of the slaughterhouse inspection regime to the food safety risks involved. In the context of this and other inquiries, we are particularly concerned about the poor-quality “tail” of slaughterhouses with low HAS scores which exists in this country. We recommend changes to the licensing system for slaughterhouses to make it far more difficult for slaughterhouses with unsatisfactory hygiene levels to operate, by banning individuals with a record of running unhygienic establishments from gaining or retaining licences. This should punish the guilty without imposing undue regulation on well-run smaller slaughterhouses (paragraph 63).

Processing, distribution, retail and catering

- (y) We are concerned that the admirable principles which are espoused by the Joint Hospitality Industry Congress and other industry associations in relation to food hygiene training are not being implemented in practice throughout all food businesses. The withdrawal of mandatory funding of food hygiene courses by the Further Education Funding Council is a retrograde step. The effective implementation of HACCP depends crucially on well-trained managers and employees in food businesses. The FSA should be encouraged to comment publicly on the adequacy of such training (paragraph 65).
- (z) All the authorities involved in food hygiene run public information campaigns, although the impact of these initiatives is questionable. As the ACMSF has noted, recipes using raw eggs are routinely presented in cooking magazines and programmes despite the Chief Medical Officer’s warnings about the dangers of raw eggs for vulnerable groups. Public information is one area where we believe that the Food Standards Agency must devote sufficient resources, assessing the problems by opinion surveys and using the information to increase public awareness of food hygiene issues, to inform consumers about changes in best practice and bring about a substantial reduction in food poisoning cases. We welcome moves currently under way to raise the profile of the subject of food hygiene in school curricula (paragraph 68).

The consumer

- (aa) The Food Standards Agency must have an important role to play in encouraging manufacturers to achieve higher and more uniform standards in domestic kitchen equipment, particularly fridges and microwaves, to assist the public in maintaining the safety of food (paragraph 69).

Traceability and labelling

- (bb) We feel that a radical overhaul of the labelling of food on sale in the UK is long overdue. Food imported into the UK must be subject to the same traceability and labelling requirements as domestically-produced food (paragraph 71).

The Government’s White Paper

- (cc) We welcome the leading role to be played by the FSA in developing an integrated preventative strategy for the control of human zoonoses as described in the Government’s White Paper (paragraph 82).

- (dd) We are satisfied that the arrangement proposed by the Government, whereby the Pesticides Safety Directorate and Veterinary Medicines Directorate remain the lead authorities in approving new products whilst the FSA has an effective veto over both the approvals (PSD) and licensing (VMD) processes, represents an effective and workable compromise preserving the administrative efficiency of the existing systems whilst ensuring high standards of food safety. We would however like to see the FSA assuming complete control of the surveillance schemes for pesticides and veterinary medicines, so that approvals and monitoring processes are carried out by different organisations (paragraph 85).
- (ee) We believe that the FSA should establish an emergency unit, to develop contingency plans to deal with food safety hazards, and that the proposed mechanisms for coordinating FSA and local authority emergency responses should be clarified as soon as possible and integrated with the food industry's own responsibility to manage food safety emergencies (paragraph 86).

Nutrition

- (ff) We favour the inclusion of aspects of nutrition policy within the remit of the FSA, although we are concerned about the lack of clarity within the White Paper about the division of responsibilities between the Agency and the Department of Health. Nutrition is not a second-order issue: poorly-balanced diets cause much greater damage to health than food poisoning, and over the long-term the Agency could achieve significantly more in its nutritional activities than in its food safety role (paragraph 89).

Structure

- (gg) While we agree wholeheartedly with the notion of impartial and objective Commissioners, we find it highly unlikely that persons of the calibre required will be found without some 'specific affiliation' - whether it be derived from experience in local government, academic, corporate or other non-Governmental sectors. Indeed, the Commission's utilisation of collective experience gained in these different fields by individual Commissioners should be viewed as a strength rather than a weakness, providing the basis for the informed decisions which must be taken by a truly independent FSA (paragraph 90).

Financing

- (hh) We are not in favour of the Government's proposed licensing fee as a mechanism for raising revenue for the Agency. It would, in effect, be a regressive tax as food is proportionately a larger item in the budgets of low-income households, and the costs would be passed on to consumers by industry. We believe that licensing should not be the subject of charges and should be selective, not universal. Where there is a recognized scientific need to control the risk of food contamination in particular retail and catering outlets, such as butchers' premises, licensing should be made obligatory, but other outlets should be exempted from this requirement. In our judgement, individual food businesses should only be charged for specific, identifiable activities or services, such as inspections, carried out by the FSA or local authority officers on the public's behalf. All other operating costs accruing to the Agency should be borne by the Government, as should the Agency's start-up costs. Food safety is a matter of public responsibility and should, therefore, be publicly-financed. Our approach has significant advantages over the Government's proposals, not least in ensuring tighter overall control of the FSA's expenditure, and more exacting supervision of the public service it offers, consequent on the Treasury's interest in accounting for public finances. There is a danger that any charging regime will discriminate against domestically produced foods and in

favour of imports, damaging the competitiveness of the UK industry. Consideration should be given, consistent with EU legislation, to charging importers of food for the actual cost of food safety checks carried out at ports of entry (paragraph 93).

The FSA's communication techniques

- (ii) It is essential that the FSA should utilize modern communication and information techniques. It should also survey public opinion regularly to ensure its messages on food hygiene are getting across. Merely relying on low-key public information techniques, however well-informed and well-intentioned, will not be sufficient (paragraph 99).

International comparisons

- (ji) Collecting comparative international data on food safety issues will be an essential component of the Food Standards Agency's work in constructing and furthering best practice in this country (paragraph 100).

Risk assessment

- (kk) Dr Cunningham told us that the Agency will proceed on the basis of the precautionary principle. If so, we believe it should be explicitly stated in the Agency's guiding principles, which is not the case in the White Paper (paragraph 103).
- (ll) One of the first tasks for the Food Standards Agency will be to draw up and publish the risk assessment criteria under which it will operate. We recommend that it consults widely on these criteria before they are adopted. A clear definition of the respective responsibilities of the Government, the food industry and the individual consumer in addressing risk is also required (paragraph 104).

Priorities

- (mm) In order to prevent inundating the Agency with enforcement and policy responsibilities at a very early stage, we consider some form of prioritisation of Agency duties to be not only helpful, but essential. The Agency will need to draw up a clear work programme, prioritising its various areas of responsibility, in response to particular public concerns, scientific priorities, risk assessments, and its capacity actually to effect improvements in food safety, standards and nutrition (paragraph 105).

Targets

- (nn) Failure to meet targets on the part of the Agency should not necessarily be met by an increase in financial resources available to it. Indeed, we are concerned to make sure that the creation of the Agency does not lead to a large increase in public expenditure, and would on the contrary hope that the Agency would be able to generate efficiency savings in existing programmes over time (paragraph 106).
- (oo) Some of the FSA's initial targets must relate to improving the reporting of foodborne pathogen outbreaks and reducing levels of microbiological contamination of foodstuffs. Once the full extent of the national food poisoning problem is known, the FSA can then initiate concerted action, with other Government Departments as appropriate, to monitor and reduce the levels of

incidence of human food poisoning across the UK, but it would be wrong to judge the success or failure of the Agency by trends in reported foodborne illnesses, during its first three years. Targets relating to nutrition and health will inevitably be more long-term and imprecise, given the range of other factors, apart from food, affecting public health, the lack of clear causal links between diet and health in many instances, and the policy responsibilities of other bodies apart from the FSA, including the Department of Health itself, in these matters (paragraph 108).

- (pp) The FSA should verify its success in achieving ‘soft’ targets, such as increasing public awareness of and confidence in food hygiene, through regular surveying and monitoring of public attitudes. Such surveys could also be used to assess the public’s opinion of the administration and delivery of the FSA’s new food hygiene policies (paragraph 109).

Political accountability

- (qq) We agree with the proposals in the White Paper that the Agency should be accountable to Parliament through the Secretary of State for Health, and that it should “produce an Annual Report, Corporate Plan and Business Plan” and “be subject to an annual accountability review and a more fundamental quinquennial review” (paragraph 112).
- (rr) We consider Professor James’ proposal of joint meetings of existing select committees to take evidence from the Agency on its activities to be more appropriate than the creation of a new Food Select Committee. The Agency would then also be accountable to individual select committees, principally ourselves and the Health Committee (paragraph 112).
- (ss) We recommend that a full day’s debate should take place each year on the floor of the House on a motion to take note of the Agency’s Report and Accounts, and any related reports by departmental select committees and the Committee of Public Accounts. Taking evidence from the Chairperson of the Commission on his or her appointment is also something which we would wish to consider seriously, in consultation with our colleagues on the Health Committee (paragraph 112).

Enforcement and inspection powers

- (tt) We recommend that the Government explore the possibility of the Agency having contracts with local agencies for the delivery of food hygiene enforcement functions. These contracts would include detailed specifications and targets for work to encourage standardisation of enforcement across the country and to ensure that there were adequate resources for the work. They would normally be placed with local authorities, for delivery through their Environmental Health Departments. However, in some instances, the contracts might be placed with other agencies. Whilst the FSA headquarters would be responsible for drawing up and awarding the contracts, it is possible that the monitoring of the contracts would be better done at local or regional level to achieve the level of co-operation and partnership needed to both deliver the service and drive up standards. With this in mind we recommend that at least one member of the FSA’s Commission should have extensive knowledge of local authority enforcement of food legislation; and that a specialist division be set up within the FSA’s Executive to oversee the contractual process, staffed by personnel with extensive knowledge of local authority food safety functions and procedures. This division should also ensure that the FSA has the capacity, in cases of emergency, to assume direct control over enforcement activities (paragraph 116).

The dangers of over-regulation

- (uu) We believe the Government, and subsequently the Agency, should give sympathetic consideration to the possibility of introducing derogations from certain legislative requirements for specific types of small producers and retailers offering exemplary levels of food safety, but whose business livelihoods may be threatened by increased administrative costs consequent on greater regulation (paragraph 117).

Leadership

- (vv) Public advertisement of key posts in the Agency is essential, and the Chairperson of the Commission and the Chief Executive must be able to command the confidence of consumers without alienating producers. They will both need to be outstanding communicators. In particular, they will need to demonstrate considerable experience of serving and working for consumers; a rigorous target-driven approach to the solution of complex problems; and experience of managing a high-profile national organisation. These “paragons of virtue”, in Dr Cunningham’s phrase, will also need to carry authority within the scientific community (though they would not need to be scientists themselves). If it is not possible to identify individuals of sufficient calibre, the formal launch of this Agency should be delayed. A poorly-led Agency would be worse than no Agency at all (paragraph 118).

Crisis management

- (ww) The Agency must clearly demonstrate that it is more effective at dealing with crises than MAFF has been in the past (paragraph 119).

Openness

- (xx) The activities of the Agency and its advisory committees must take place in the open sunshine of public scrutiny and accountability. We look to the Agency to reach its decisions by open processes and to develop imaginative ways of ensuring its accountability and openness to the general public at both national and local level (paragraph 120).

Consumer representation and input

- (yy) We recommend that a Consumer’s Committee, representative of the broad range of consumer interests, be established to advise the FSA’s Executive and Commission on general issues; that a specialist Consumer Commissioner be appointed to the FSA to represent the consumer’s interests directly in a similar way to the three Territorial Commissioners representing Northern Irish, Scottish, and Welsh interests; and that local or regional consumer panels, run by local authorities, should be established to provide a consumer viewpoint on local and regional issues relating to food safety and standards. We consider that the FSA should itself finance this consumer role to allow consumer panels to conduct their own research on the effectiveness of the Agency and its staff (paragraph 121).

GLOSSARY

Advisory Committee on the Microbiological Safety of Food (ACMSF): a non-statutory Committee advising Ministers on the risks to humans of micro-organisms which are used or can occur in food. The Committee also offers advice on exercising powers under the Food Safety Act 1990

Advisory Committee on Novel Foods and Processes (ACNFP): a non-statutory Committee providing Ministers with advice on the irradiation of foodstuffs, and the manufacture of novel foods including genetically-modified foods and foods produced by novel processes

bovine spongiform encephalopathy (BSE): a degenerative brain disorder affecting cattle, one of the family of transmissible spongiform encephalopathies. A number of scientific theories have been advanced regarding BSE's origins, including the contamination of cattle feed with infective agents derived from sheep carcasses, but precise causes are unknown

Campylobacter spp.: a bacterial species which is the most common source of food poisoning incidence in humans in the UK. The principal livestock reservoir for this species is poultry, although infectious outbreaks have been associated with milk and with contaminated water. The *Campylobacter* group consists of 17 strains whose transmissibility to humans is little understood

ciprofloxacin: an antibiotic for controlling infectious intestinal diseases in humans

Clostridium botulinum: a strain (*q.v.*) of the *Clostridium* bacteria producing a potent toxin which can cause fatalities in humans

coccidiostat: an antibiotic for controlling intestinal parasites found principally in poultry

Cryptosporidium parvum: a parasitic micro-organism which can potentially act as a vector of disease in humans

E.coli O157:H7 (commonly abbreviated to *E.coli* O157): A strain (*q.v.*) of the bacterium *Escherichia coli*. While many strains of *E.coli* cause no adverse health problems for humans or animals, *E.coli* O157 is highly virulent and often toxin-producing. It is the predominant cause of verocytotoxin (*q.v.*) poisoning in humans, sometimes resulting in haemolytic uraemic syndrome (*q.v.*) and in extreme cases death. The major livestock reservoirs for this bacteria are cattle and sheep

EHO: Environmental Health Officer. A local authority official responsible for enforcing food hygiene legislation, among other responsibilities

eurofloxacin: one of the fluoroquinolone (*q.v.*)-derived antibiotics

fluoroquinolone: a type of antibiotic used prophylactically in poultry feedingstuffs to enhance growth

Food Advisory Committee: a non-statutory Committee advising Ministers on the labelling, composition and chemical safety of food

haemolytic uraemic syndrome (HUS): a clinical condition characterised in humans by anaemia and kidney failure, which can be caused by *E.coli* O157 food poisoning

HACCP (Hazard Analysis and Critical Control Points): a structured approach to identifying food safety problems within individual food businesses, and to controlling these problems

Hygiene Assessment System: a system instituted by the Meat Hygiene Service (*q.v.*) for assessing the cleanliness of abattoirs. On the basis of abattoir inspections made by MHS staff using the Hygiene Assessment System, abattoirs are assigned an individual Hygiene Assessment Score

infectious intestinal disease(IID): any disease affecting humans and characterised by nausea, vomiting and diarrhoea. Such diseases are often but not always foodborne

Listeria monocytogenes: a strain (*q.v.*) of the bacterial species *Listeria* found in soft cheeses and chilled meat products such as pâtés, among other foods, and a cause of infectious intestinal disease (*q.v.*) in humans. In pregnant women, it is possible for *L. monocytogenes* to be passed from mother to child or in extreme cases for the bacteria to cause miscarriage

Meat Hygiene Service (MHS): An Executive Agency of the Ministry of Agriculture, Fisheries and Food with among other duties responsibility for carrying out meat hygiene inspections at abattoirs and meat cutting plants

new variant Creutzfeldt-Jakob disease (nvCJD): a degenerative brain disorder in humans, invariably fatal, and analogous to BSE (*q.v.*) with which it has been linked

outbreak: two or more cases of illness linked to a common cause, affecting members of more than one family or residents of an institution

pathogen: any micro-organism causing disease

Pennington Group: An Expert Group chaired by Professor Hugh Pennington set up by the previous Government on 28 November 1996 to investigate the infectious outbreak of *E.coli* O157 in central Scotland. The Pennington Group was convened from December 1996 until March 1997, and submitted its final Report in April of that year

Pesticides Safety Directorate (PSD): An Executive Agency of the Ministry of Agriculture Fisheries and Food with among other duties responsibility for licensing all pesticides used in the UK

Public Health Laboratory Service (PHLS): An organisation providing microbiological services to assist health and local authorities in the investigation of outbreaks (*q.v.*) of infection, as well as clinical diagnostic services to NHS Trusts and General Practitioners

Salmonella spp.: a bacterial species consisting of over 200 strains (*q.v.*). and causing infectious intestinal disease (*q.v.*) in livestock (principally poultry) and in humans. *Salmonella enteritidis* PT4 is still the most common form of *Salmonella* infection in humans, but *Salmonella typhimurium* DT104, the second most common strain, is emerging as a more significant problem because of its resistance to certain antibiotics

strain: a population of bacteria within a species or sub-species identified by typing (*q.v.*)

typing: any scientific method used to distinguish between closely related micro-organisms

verocytotoxin: a poisonous substance produced by the bacteria *E.coli* O157

Veterinary Medicines Directorate (VMD): An Executive Agency of the Ministry of Agriculture, Fisheries and Food with among other duties responsibility for the licensing of veterinary medicines

VTEC: verocytotoxin (*q.v.*)-producing *E.coli*. *E.coli* O157:H7 is the form of VTEC most commonly associated with food poisoning

zoonosis: an animal disease transmissible to humans

PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT

WEDNESDAY 22 APRIL 1998

Members present:

Mr Peter Luff, in the Chair

Mr Tim Collins	Mr Austin Mitchell
Mr Andrew Goerge	Mrs Diana Organ
Mr John Hayes	Mr Mark Todd
Ms Sally Keeble	

The Committee deliberated.

Draft Report [Food Safety], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 9 read and agreed to.

A paragraph – (*Mr Tim Collins*) – brought up and read, as follows:

“ The United Kingdom’s food safety problems will not be solved by creating a new and expensive bureaucracy with imperfect democratic accountability. Precisely because food safety issues are so important, they should be decided and supervised by those whom the people elect, not shadowy figures operating in the dark. The establishment of the Food Standards Agency does not offer the right way forward. A new and genuinely independent committee to provide robust and public advice to Ministers who would remain accountable to Parliament for their decisions – the alternative offered by the last Government – would have been a better way to proceed.”

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 1

Noes, 4

Mr Tim Collins

Mr Andrew George
Ms Sally Keeble
Mr Austin Mitchell
Mrs Diana Organ

Paragraph 10 read.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 5

Noes, 1

Mr Andrew George
Ms Sally Keeble
Mr Austin Mitchell
Mrs Diana Organ
Mr Mark Todd

Mr Tim Collins

Paragraphs 11 to 21 read and agreed to.

Paragraph 22 read, amended and agreed to.

Paragraphs 23 to 28 read and agreed to.

Paragraph 29 read, amended and agreed to.

Paragraphs 30 to 41 agreed to.

Paragraphs 42 and 43 read, amended and agreed to.

Paragraphs 44 to 50 read and agreed to.

Paragraph 51 read, amended and agreed to.

Paragraphs 52 to 88 read and agreed to.

Paragraph 89 read, as follows:

“In his evidence to us, Professor James confessed that he had failed to recognise that the nutritional responsibilities of the FSA would be a controversial issue, but pointed out that globally ten times more ill health is attributable to the inappropriate nutritional quality of diet than to infection. On this basis, he suggested that scaling down the FSA’s nutritional remit might have grave consequences for the organisation’s long-term success: “If it is downgraded, it will be a very severe setback...The Australian experience has shown that the Australian Agency, which did not specify nutrition as absolutely clearly within its orbit, has run into a major problem.” The British Medical Association, the Co-operative Union and Safeway were also of the opinion that the FSA must oversee nutritional issues. However, for other witnesses, including Marks and Spencer and the British Retail Consortium, nutrition was perceived as a secondary consideration for the FSA which might divert it from its overriding purpose of enforcing food hygiene standards. Other groups were more strongly opposed to the inclusion of nutrition in the FSA’s remit. The Food and Drink Federation, Sainsbury’s and the Farmers’ Union of Wales all believed that taking on responsibilities for nutrition might be counterproductive for the FSA, and might undermine public confidence in the Agency by embroiling it in “possible dispute over the nutritional qualities of various foods”. We were interested to hear from public interest groups in the USA concerned with food safety that they thought there were merits in excluding nutrition from the remit of such agencies. **We favour the inclusion of aspects of nutrition policy within the remit of the FSA, although we are concerned about the lack of clarity within the White Paper about the division of responsibilities between the Agency and the Department of Health. Nutrition is not a second-order issue: poorly-balanced diets cause much greater damage to health than food poisoning, and over the long-term the Agency could achieve significantly more in its nutritional activities than in its food safety role. However, on nutritional matters, the Agency’s influence on events will inevitably be more indirect, less measurable and less immediate than in its policy on food safety. In the first few years of its existence, therefore, the Agency will be judged mainly on its achievements in relation to food safety, rather than nutrition and health.**”

Amendment proposed, in line 19, to leave out from the word “agencies.” to the end of the paragraph and add the words **“We do not favour the inclusion of aspects of nutrition policy within the remit of the FSA, and we are concerned about the lack of clarity within the White Paper about the division of responsibilities between the Agency and the Department of Health. It was abundantly clear from the evidence presented to us that there is nothing approaching a national consensus on nutritional issues. Granting responsibility for nutrition to the Food Standards Agency runs the risk of turning it into a posturing creature of political correctness, determined to remove treasured British foods such as chips and white bread from our diet. The Agency would become known and loathed as the “food police”. Fiascos such as the mishandling by the Government**

of the ban on beef-on-the-bone, rightly overturned by the courts, would become regular events.” – (Mr Tim Collins.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 2

Mr Tim Collins
Mr John Hayes

Noes, 5

Mr Andrew George
Ms Sally Keeble
Mr Austin Mitchell
Mrs Diana Organ
Mr Mark Todd

Another Amendment proposed, in line 24, to leave out the words: **“However, on nutritional matters, the Agency’s influence on events will inevitably be more indirect, less measurable and less immediate than its policy on food safety. In the first few years of its existence, therefore, the Agency will be judged mainly on its achievements in relation to food safety, rather than nutrition and health.”** – (Ms Sally Keeble.)

Amendment proposed to the proposed Amendment, in line 1, to leave out the words **“However, on nutritional matters, the Agency’s influence on events will inevitably be more indirect, less measurable and less immediate than its policy on food safety.”** – (Mr Mark Todd.)

Question put, That the Amendment to the proposed Amendment be made.

The Committee divided.

Ayes, 3

Mr Andrew George
Mr John Hayes
Mr Mark Todd

Noes, 3

Ms Sally Keeble
Mr Austin Mitchell
Mrs Diana Organ

Whereupon the Chairman declared himself with the Noes.

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4

Mr Andrew George
Ms Sally Keeble
Mr Austin Mitchell
Mrs Diana Organ

Noes, 1

Mr John Hayes

Question put, That the paragraph, as amended, stand part of the Report.

The Committee divided.

Ayes, 5

Mr Andrew George
Ms Sally Keeble
Mr Austin Mitchell
Mrs Diana Organ
Mr Mark Todd

Noes, 2

Mr Tim Collins
Mr John Hayes

Paragraph 90 read, as follows:

“The proposed organisational structure of the FSA is described in chapter six. In essence it is very similar to that articulated in Professor James’s report, with the Agency having NPDB status, but with an expanded Commission of 12 persons drawn from “...a wider public interest background without any specific affiliation.” **Whilst agreeing wholeheartedly with the notion of impartial and objective Commissioners, we find it highly unlikely that persons of the calibre required will be found without some ‘specific affiliation’ - whether it be derived from experience in local government, academic, corporate or other non-Governmental sectors. Indeed, the Commission’s utilisation of collective experience gained in these different fields by individual Commissioners should be viewed as a strength rather than a weakness, providing the basis for the informed decisions which must be taken by a truly independent FSA.** We note the insertion at this point in the White Paper of the phrase ‘wider public interest background’. Professor James supported the broadening of the word “consumer”, as contained in his report, to “public interest” on the grounds that “you do not get locked into the Consumers’ Association, the National Consumer Council or the other 60 organisations which are intimately involved in this area”.

Amendment proposed, in line 11, after the words “**truly independent FSA.**” to insert the words “**In particular it is important for the credibility of the Agency with the food industry and consumers alike that the Commissioners should be seen to include both meat-eaters and vegetarians.**” —(*Mr Tim Collins.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 6

Mr Tim Collins

Mr Andrew George
Mr John Hayes
Ms Sally Keeble
Mr Austin Mitchell
Mrs Diana Organ
Mr Mark Todd

Paragraph agreed to.

Paragraphs 91 to 99 read and agreed to.

Paragraph 100 read, amended and agreed to.

Paragraphs 101 to 122 read and agreed to.

Paragraph 123 read, amended and agreed to.

Annex (Glossary) read, amended and agreed to.

Resolved, That the Report, as amended, be the Fourth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House. —(*The Chairman.*)

* * *

[Adjourned till Tuesday 28 April at a quarter past Ten o’clock.]

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Additional memoranda have been received from the following and have been reported to the House, but to save printing costs they have not been printed and copies have been placed in the House of Commons Library where they may be inspected by Members. Other copies are in the Record Office, House of Lords, and are available to the public for inspection. Requests for inspection should be addressed to the Record office, House of Lords, London SW1 (Tel 0171 219 3074). Hours of inspection are from 9.30 am to 5.30 pm on Mondays to Fridays.

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